Sponsoring Committee: Professor Louise Antz,
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Professor Lee Belford

JOSEPH FLETCHER'S SITUATION ETHICS
AND EDUCATION

EOPOLDO

IGNACIO L. GÖTZ

Submitted in partial fulfillment of the
requirements for the degree of Doctor of
Philosophy in the School of Education of
New York University

1968

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AN ABSTRACT OF
JOSEPH FLETCHER'S SITUATION ETHICS AND EDUCATION

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Situation ethics, contextualism, or the "new morality," all designate an ethical position that emphasizes the relativeness of ethical principles to the particular situation in which the moral agent finds himself. This position is apparent in the writings of most Christian ethicists of this century, but the degree of relativeness accorded principles varies considerably from author to author.

Situationists generally describe their stance as midway between a rigid, authoritarian legalism and a radically discontinuous antinomianism. From legalism, situationists accept principles and rules, but they deny them any absoluteness or identity of application. From antinomianism, situationists take the notion that persons should never be subordinated to principles (things), and that the guiding norm in all circumstances is neighborly love. Principles, therefore, become relative to the norm of brotherly love as it seeks to be implemented in particular situations.

This general description of situationism as midway between the extremes of legalism and antinomianism appears somewhat unsatisfactory when one considers that not all forms of legalism are as rigidly absolutist as one might think at first. Similarly, not all forms of relativism are as antinomian and radically discontinuous as they are often thought to be. Situationists, moreover, differ as to the degree on objectivity and validity they accord principles. Still, it can be maintained that situationists generally consider principles to be less final and absolutely binding than do legalists, and that they recognize a certain structure of principles that renders possible an objective use of the principle of generalizability.

It is against this background that Fletcher's situationism must be considered. Verbally at least, Fletcher claims for himself the same middle position. But his actual treatment of the validity of principles clearly places him within the camp of antinomianism. While situationism generally may be termed principled, Fletcher's approach is utterly unprincipled. This extreme view is largely due to Fletcher's failure to see in principles, rules and laws, anything but enmity to freedom and love. Fletcher does not seem to consider seriously the possibility that principles can be expressions of love and brotherly concern not only in a particular situation but also generally.

Given Fletcher's extreme position with regard to any structure that may be more or less stable, the possible relevance of his brand of situationism to education becomes highly questionable. Education is part of a process of socialization by which a society transmits to its young what it considers worthwhile. But according to Fletcher everything is relative to the situation. Whatever a society may be trying to transmit, it can be questioned and rejected with complete impunity if, in the situation, the moral agent does not consider it conducive to neighborly love. Moreover, Fletcher gives us no standard or criterion by which to judge what may or may not be love in a particular situation. We are told that what may be loving in one situation may not be loving in another, but we are never told by what standards we may discern this. Consequently, there seems to be no content for moral teaching or moral training. All that can be said is, "Do the most loving act in a particular situation." But there is no way of discerning what may be the most loving thing in any situation.

The anomie of Fletcher's situationism seems altogether unnecessary. Most other situationists avoid his extremism and are able to encompass in their approaches some measure of objectivity and structure. Their brand of situationism may be quite relevant to educational practice today. Fletcher's situationism, on the other hand, may be destined to have relevance only for the maladjusted and anomic of society.

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INTRODUCTION

"Oh, ye Gods! Ye have ridden the old laws down!"

Aeschylus Eumenides 776-777.[1]

Our age is one of great moral concern. We worry about the morality of wars, we scrutinize the behavior of politicans, we are disturbed about the looseness of youthful mores, the use of drugs, premarital sex, racial injustice, poverty. We are also concerned about a certain moral confusion, an inability to find meaningful answers to the problems of the day.

Perhaps symptomatic of our concern is the awareness that ready-made answers no longer suffice to meet the problems confronting us. This awareness is reflected in the efforts of religious leaders as well as moralists to make their points of view relevant to the specific questions that arise today. The traditionalist in religion or morality feels that he can no longer rest secure in the sanctuary of custom and law. He feels, moreover, that he cannot find true peace in isolation while the rest of the world goes by. But when, in his concern, he comes out of his seclusion and makes an effort to solve the everyday problems of his fellow men, he is immediately challenged by some who claim their answers are more relevant, more adequate, more modern.

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[1] The Plays of Aeschylus, trans. G. M. Cookson, Vol. 5 of The Great Books (54 vols.; Chicago: Encyclopaedia Britannica, 1952), 89.

Concern and confusion, however, are not the exclusive possession of our age. Neither is the rivalry between traditional morality and a morality of modernity. Platonists and Cynics, Augustinians and Pelagians, Romanists and Reformers--in brief, the old laws and the new freedoms--have vied with each other all through the ages for the honor of providing the most adequate answer to the moral problems of man.

Today, traditional and situational morality perpetuate man's efforts to solve the riddles that stalk his lifelong pilgrimage. To the uncommitted who look to either side for an answer, one of the problems is to know whose guidance offers the best guarantees of success. Where traditional morality seems stale and irrelevant to the scary problems confronting man today, situationism feels like a breath of fresh air and a pertinent point in the moral debate. While traditional morality with its rules and principles seems to lag behind the accelerated pace of modern life, situationism walks side by side with the men who make decisions to annihilate cities or walk in space. To men writhing and ailing to break loose from the constraining grip of old laws, situationism offers a flexible and operational method for deciding what to do in a particular situation. On the other hand, to the traditionalist and the men who live by the law, civil or divine, this cannot but appear to herald the destruction of the old order and the end of sanity, an unpardonable capitulation to the daring of the young Orestes and Apollos of the day.

New problems may require new solutions. But confusion also requires ways of dispelling its gloom, and it is one of our problems. Here, situationism presents itself--as every "new" morality has always presented itself--as the answer to the peculiar modern predicament. The question, therefore, is whether or not situationism can provide new guidance as well as new solutions. This is the problem we have to tackle in the following pages.

The question assumes a higher degree of importance when raised in the context of education. The values and achievements of a society or civilization are always reflected in its education, for it is largely through education that a society seeks to perpetuate its cultural treasures, the wisdom it has accumulated through the ages. Something would be wrong with a society that did not know how to teach its young members to behave in that society, or with a society that did not have anything worth transmitting to future generations.

Educators today find themselves faced with largely unprecedented problems in every dimension, problems of curricular structure and reform, problems of method, problems of discipline, problems of societal reconstruction, individual adjustment and development, all of which involve some measure of valuation. But the confusion that prevails in society at large with regard to the source and justification of value judgments is of no help in this case. So the educator, if he is responsible and concerned, turns to the field of ethics or moral philosophy for a rationale to support the decisions he makes, for an understanding of the principles involved, and for a justification of the values that are passed on.[1] The question that confronts us here is, of course, whether or not situationism can offer the guidance required, whether or not it can extricate us from confusion--assuming that confusion is not what we want to transmit to the younger generation.

For our study of situationism we have singled out the writings of Professor Joseph Fletcher. His is, of course, one view of situation ethics, and a rather extreme one at that; so in order to do justice to our enterprise we shall have to study, at least briefly and in comparative fashion, other contextualist views. Fletcher's situationism, however, will constitute the main center of our concern, especially when we discuss the possible relevance of situationism to education in the U. S.

Fletcher is currently professor of Pastoral Theology and Christian Social Ethics at the Episcopal Theological School, Cambridge, Massachusetts, a post he has held since 1944. He has lectured widely in the U. S. and abroad and was Lilly Visiting Professor of Christian Ethics at the International Christian University, Tokyo, 1963-1964. He was also Dean of the Graduate School of Applied Religion in Cincinnati, and has served in numerous religious, social, and pastoral committees and organizations.

Professor Fletcher's interest in social ethics is not primarily or exclusively theoretical. He was ordained a minister in the Protestant Episcopal Church in 1929, and throughout the years of his ministry he has been concerned with social problems and their ethical aspects. His book Morals and Medicine[1] was the result, precisely, of his interest in the many aspects of social welfare. It had been preceded by two similar studies, The Church and Industry[2] and Christianity and Property.[3]

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[1] Richard S. Peters, Ethics and Education (Oakland, N. J.: Scott, Foresman & Co., 1967), 22-24.

However, it is in an essay in the Harvard Divinity Bulletin[4] that Fletcher first presents his views on situationism in a clear and systematic fashion. This essay forms the core of his later book Situation Ethics,[5] while the biography of Archbishop William Temple,[6] written between these two works, provides him with an opportunity for viewing situationism within a coherent theological frame.

Temple's writings, no doubt, had a great influence on the formation of Fletcher's situationism. Their acquaintance spanned a period of some thirty years, and Fletcher readily admits that Temple's views were quite close to situationism,[7] and that some of the organizing principles of his work are destined to have enduring importance.[8] Concretely, Fletcher's positivism in ethics, the primacy he attributes to love as the summum bonum, the relativity of values, and personalism, are tenets distinctly espoused also by Temple. The two men disagreed on other points; for instance, on the identification of love and justice, which Temple did not effect,[1] and in the use of "middle axioms," which Fletcher considers inadequate.[2]

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[1] Boston: Beacon Press, 1960.

[2] New York: Longmans, Green & Co., 1930.

[3] Ed. Joseph Fletcher. Philadelphia: The Westminster Press, 1947.

[4] "A New Look in Christian Ethics," Harvard Divinity Bulletin, XXIV (1959), 7-18.

[5] Philadelphia: The Westminster Press, 1966.

[6] William Temple, Twentieth Century Christian (New York: Seabury Press, 1963).

[7] J. Fletcher, Situation Ethics, 59.

[8] J. Fletcher, William Temple, viii-ix.

Besides the works mentioned above Fletcher has written a number of articles for professional reviews as well as popular magazines, many of which have been published in his last book Moral Responsibility.[3]

In the pages that follow we will attempt to describe, first, the common tenets of situationism and the place situationism claims for itself within the spectrum of ethical views, from the most conservative to the most liberal. This will be done in Ch. I. Fletcher, of course, classing himself as a situationist, will claim for his views the same locus that other situationists claim for themselves. This locus will be described by situationists themselves, including Fletcher, as a via media, a mid-way station between legalism and antinomianism. The determination of this locus will be the object of Ch. II.

In Ch. III we shall examine more in detail situationism's attitude toward the law, in an attempt to determine more precisely the place of situationism in the ethical spectrum. For, as we shall see, not all so-called legalistic approaches are as rigid as one might otherwise think. On the other hand, not all situationists adopt the same approach and attitude toward the law. This examination, therefore, will allow us to discriminate more exactly among various situational views of the law. Fletcher's brand of situationism will be shown to be radically anti-legalistic.

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[1] J. Fletcher, Situation Ethics, 93.

[2] Ibid., 31-32.

[3] Philadelphia: The Westminster Press, 1967.

Ch. IV will provide us with a further refinement of situationism's attitude toward the law, as well as of the distinctions among situationists themselves. Here we shall deal with the question of the validity of principles in general, and we shall find that most situationists will accept a high degree of universalization and a general validity of principles and law, while Fletcher will definitely deny both. This denial will actually place Fletcher outside the realm of situationism proper, despite his verbal disclaimers, and will finally expose his situationism as a form of antinomianism.

To complete our treatment of Fletcher's situationism, Ch. V will describe in systematic fashion Fletcher's presentation of his own views. Then, in Ch. VI we will undertake the problem of ethics and education in general. In this chapter we shall try to describe the relationship between ethical theory and educational practice and decision-making. We shall, at the same time, provide a context for the discussion, in Ch. VII, of the possible relevance of situationism generally, and of Fletcher's situationism in particular, to education.

Situationism appears at a crucial moment in the history of mankind. To the conservative, situationism is utterly unprincipled, a mad passion destined to destroy itself. To the situationist, on the other hand, the time has come to question the finality of the law and of tradition. For Fletcher, the law is *the* enemy, the Furies in pursuit of modern, enlightened, liberated man. The question is: must the Furies gorge themselves on man's freedom, or can they become for us the Gracious Ones, the Eumenides?

CHAPTER I

CAN SITUATIONISM BE DEFINED?

Introduction

Over the past few years the term "New Morality" has been a favorite topic of discussion. The "New Morality" has appeared as the title for sermons, the heading of essays and discussion programs, the title or subtitle of scholarly books and articles, and has been the object of stories in Time and other newspapers and magazines.[1]

The current revolution in mores and attitudes can, no doubt, be labelled "New Morality." In a narrower sense, however, the label is used to refer to an ethical view currently known as "Situation Ethics"[2] or "Contextualism," and it is in this sense that it will be used in the present study. The terms will be applied interchangeably to a more or less specific moral attitude and ethical theory that we shall try to characterize in detail in the present chapter.

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[1] See Time, January 21, 1966, p. 55; The New York Times, June 13, 1966.

[2] Apparently this is a derivative of the German Situationsethik, and it owes its popularity and widespread usage to the official condemnations of it by Pius XII in his allocutions of March 23 and April 18, 1952, and to the instruction of the Holy Office, February 2, 1956, forbidding the teaching of its tenets by Catholics. Bishop Robinson's Honest to God (London: SCM Press, 1963) also contributed to general knowledge about it.

Cf. also John G. Milhaven, S.J., and David J. Casey, S.J., "Introduction to the Theological Background of the New Morality," Theological Studies, XXVIII, No. 2 (June, 1967), 213 ff.

Our object here is, then, to explore the possibility of a common description of situationism. Despite the obvious shades of meaning that the term possesses for each individual author, we shall try to show that sufficient commonality of concern exists among the different situationists for talk about situationism in general to be meaningful.

Divergence of Views

The question of labels or names to be applied to this current ethical theory is not at all troublesome. The use of terms like "contextualism" and "situationism," or "situation ethics," indiscriminately, offers no difficulty, since the terms themselves convey the same idea of reference to situations. And even the term "New Morality" presents no insurmountable problem since the views espoused by situationists are sufficiently novel to deserve, at least in some respect, to be categorized as "new."

But a seemingly serious difficulty arises when one considers the nuances of meaning that different writers give to their treatment of the ethical terms they use in this connection. The difficulty is not dissimilar to that which becomes increasingly apparent in dealing with existentialism. The divergence of the views proposed by Sartre and Heidegger, Jaspers and Marcel, de Beauvoir, Berdyaev and Nietzche, makes their classification under the one term "existentialism" of dubious values--not to mention the fact that some among them have explicitly rejected the label as applied to their views.

In the case of situation ethics this difficulty has been elaborated by Professor Gustafson.[1] For him the differences among situationists are so considerable that it is no longer possible or meaningful to discuss their views as a whole, under any one label or denomination. In his view, moreover, every Christian ethics is situational in some measure or another.

Within the province of Christian ethics, argues Gustafson, there are at least four clearly identifiable bases or starting points, each different from the others, although all of them place some emphasis on the contextual or situational factors of decision.

Social Analysis

The first point of departure is that of social analysis, and it is apparent in the writings of H. Richard Niebuhr and his brother Reinhold.

Here the social analysis precedes the analysis of moral decisions, which, it is claimed, do not take place in a vacuum but within a particular social context. No analysis of the situation, and no understanding of the moral decision, is possible without an analysis and understanding of the various sociological factors and forces shaping the course of human life.

H. Richard Niebuhr, for instance, under the influence of Ernst Troeltsch, rejects explicitly a theological point of departure for Christian ethics. To have as starting point a theological affirmation, he maintains, involves us in the problems arising from the great variety of religion-based ethical views apparent in any world-wide study of religion. For Niebuhr, then, the "starting point is, in fact, a phenomenology of moral experience with the added qualification that it is the moral experience of a Christian."[1]

---

[1] James A. Gustafson, "Context Versus Principles: A Misplaced Debate in Christian Ethics," Harvard Theological Review, LVIII (1965), 171-202.

Within this social context, however, three starting points are found among ethicists and sociologists. The first emerges from the interpretation of man as citizen, and gives rise to different types of deontological ethics, ethics of obedience to rules of right conduct, to mores and social requisits. The second is built around a certain image or ideal of man to be realized by each individual and by society at large. The tendency, here, is of a teleological nature, and the standards are assumed to exist objectively and be realizable in practice.[2]

The third, which is Niebuhr's own, conceives a man primarily as homo dialogicus--or perhaps, in a less abstract fashion, as homo dialogans, man-as-answering, man-as-responding, that is, responsible.

> What is implicit in the ideas of responsibility [writes Niebuhr] is the image of man-the-answerer, man engaged in dialogue, man acting in response to action upon him. . . . In trying to understand ourselves in our wholeness we use the image of a part of our activity; only now we think of all our actions as having the pattern of what we do when we answer another who addresses us. To be

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[1] J. Milhaven and D. Casey, op. cit., 233.

[2] James M. Gustafson, "Christian Ethics," in Paul Ramsey (ed.), Religion (Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1965), 302.
It is interesting to note that these two starting points are, precisely, two of the three starting points of ethical experience developed by Dewey. See John Dewey and James H. Tufts, Ethics (New York: Holt, Rinehart & Winston, 1936), Chs. 11-13.

> engaged in dialogue, to answer questions addressed to us, to defend ourselves against attacks, to reply to injunctions, to meet challenges--this is common experience. And now we try to think of all our actions as having this character of being responses, answers, to actions upon us.[1]

This dialogical character is further detailed by Niebuhr in the development of what he calls the two levels of triadic relationships. The self, after all, is engaged in dialogue with other selves as well as with nature, things, events. This is the first level of triadic relationship. The second level is expressed in terms of Josiah Royce's idea of cause by which Royce seeks "to understand the moral life as primarily an affair of loyalty, a notion closely related to our notion of responsibility."[2] Man matures, "comes to selfhood," by being loyal to a cause. But this loyalty implies, precisely, the twofold relationship of the self to the cause as well as to his companions. It is in the peculiar immanent-transcendent character of the third element in these triadic relationships--nature, on the first level, the cause, on the second level--that Niebuhr finds a bridge to God and, at the same time, the final unification of the self.

> The self as one self among all the systematized reactions in which it engages seems to be the counterpart of a unity that lies beyond, yet expresses itself in, all the manifold systems of actions upon it. In religious language, the soul and God belong together; or otherwise stated, I am one within myself as I encounter the One in all that acts upon me. When my world is divided into two domains, the natural and the supernatural, or the physical and the spiritual, or

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[1] Helmut Richard Niebuhr, The Responsible Self (New York: Harper & Row, 1963), 56.

[2] *Ibid.*, 83.

> the secular and the religious, in which different powers are interpreted as at work, and different meanings and patterns of actions are evident, then I have two selves. But insofar as in (faith) trust I acknowledge that whatever acts upon me, in whatever domain of being, is part of, or participates in, one ultimate action, then though I understand nothing else about the ultimate action, yet I am now one. Or, to state the matter in another way, by that action whereby I am in all the roles I play, in reaction to all the systems of action that impinge upon me, I am in the presence of the One beyond all the many. And my response to every particular action takes the form of response also to the One that is active in it.[1]

Consequently, the notion of responsibility in its total encompassing meaning may be defined as

> the idea of an agent's action as response to an action upon him in accordance with his interpretation of the latter action and with his expectation of response to his response; and all of this in a continuing community of agents.[2]

This "interpretation" is furnished for the Christian by his religious or theological affirmations. But, at the same time, the "interpretation" remains intimately tied to the contingencies of the other systems of interaction, to the context of social life. In Gustafson's words,

> The effect of this view of man is to multiply the number of places at which the Christian feels moral responsibility, for every relationship is one in which he is to seek the good of the neighbor in his response to him. It is also to expand the sources of moral insight and reflection, for

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[1] Ibid., 122-123. The notions of "responding" and "responsible" appear also in Heidegger's analysis of philosophy as an ongoing "responding" (Antworten) to the questions posed by the unfolding of Being in all its manifold ways. It is not one answer or response, but a continuous "co-respondence" or dialogue. See Martin Heidegger, What is Philosophy? tr. William Kluback and Jean T. Wilde (New York: Twayne Publishers, Inc., 1958), 65-97. See also J. Fletcher, Moral Responsibility, 231-239.

[2] H. R. Niebuhr, op. cit., 65.

> no one or two principles become the exclusive governing ones in conduct. Christians are to respond in love, to be sure, but love is not defined in terms of a moral rule of conduct.[1]

At the same time, there is a new facet added to Christian moral responsibility, namely, the necessity of knowing what is going on in the world, for the moral life can no longer be lived solely in obedience to a law, but, on the contrary, within the fullness of the triadic reality.

Theological Affirmation

A second point of departure is what Gustafson calls "Theological affirmation." This is the ground from which Barth, Lehmann, Bultmann, Sittler, Brunner, Bonhoeffer, and Tillich, take off in their analyses. The term "affirmation" denotes a certain positivistic meaning, in the sense that the assumptions involved in the ethical development are tenets of the faith or connected with it. The ground or basis is definitely theological, and the elaboration is certainly a Christian ethics.

But once this has been said the similarities end. For each theologian or Christian ethicist develops his views in quite an original manner, and the common terms assume, in consequence, quite different meanings. Here our main concern will be with Lehmann's contextual ethics, one of the developments of this approach.

One common characteristic in the writings of many Christian ethicists within this category is the emphasis on the situation, the context in which the Christian acts. It is not the starting point, but no elaboration is believed to be complete without incorporating within itself the context of Christian moral action. Since the Christian life is understood to be a vocation in the fullest sense, a call from God, it matters very much that the Christian answer God's call and invitation. This call is not necessarily a living word. Nor is it forever enshrined in the Bible or in the example of Jesus' life. God's call is incessantly being made anew within each human situation, and it is the Christian's duty to answer this call in, and as it is revealed by, the situation. The necessity to scrutinize the situation continuously is enhanced if one considers the fact that God, being infinitely free, may act in unpredictable, unforeseeable ways. Consequently, the Christian must constantly examine the situation in an effort to Discover God's purposes and to allign himself with them.

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[1] J. Gustafson, "Christian Ethics," 303; J. Milhaven and D. Casey, *op. cit.*, 236.

Obviously, Lehmann is not concerned merely with the ethical question "What ought I to do?" but with the enlarged one "What am I, as a believer in Jesus Christ and as a member of His church, to do?" The context here is, of course, not purely social; it is, rather, socio-religious, a peculiar type of fellowship which Lehmann distinctly calls koinonia. The theological emphasis means that

> The focus of ethical attention is deliberately concentrated upon the paradoxical reality and vitality of what is involved in doing the will of God. Indeed, it is the koinonia context and character of Christian ethics that give ethical sense and substance to the seeking and the doing of God's will. For in the koinonia, and owing to the koinonia, man is concretely and inescapably involved in what God is doing in the world.[1]

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[1] Paul L. Lehmann, Ethics in a Christian Context (New York: Harper & Row, 1963), 80.

Man, therefore, does not search for God's action alone, nor does he do so in a vacuum. The context is that of the Christian fellowship with whose members God has entered into a covenant. As Nicholas Crotty, S.J., describes it, "The moral life demanded of the Christian is to be described . . . as a *koinonia* ethic: a standard of conduct for men in fellowship."[1]

Alexander Miller, placing himself alongside Lehmann, insists on the fact that

> Christian ethics refers not to a rational or other pattern of behavior or set of precepts, but to the *style of life* that is seemly, that is becoming to a Christian man, that is consonant with membership in the Community whose God is the Lord, the Community of those who have passed from death unto life because they love the brethren. This, of course, puts Christian ethics in strict continuity with the covenant ethics of the Old Testament, which are no more rational than they are pragmatic in the ordinary sense but are peculiarly and particularly (if the word *ethics* is appropriate at all) the ethics that represent the *mutual* obligations incumbent upon a covenant folk.[2]

It is this spirit of covenant or *koinonia*, precisely, that binds Christians

> to an understanding of life and conduct that derives directly from that active and incarnate love whereby God gathers a people for himself and by that same love enmeshes them in a profound mutuality of obligation that is for pure love's sake.[3]

The Christian, therefore, is not at all concerned with the application of rigid, stable moral principles, to the situation. Principles are abstract and require a logical application, while Christian life is concrete and fluid. In a situation that calls for decision and Christian behavior the believer's concern is not to ask What does God command? but, rather, What is God doing? Only in this way can the bridge between the abstractness of principles and the concreteness of life be spanned.[1]

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[1] Nicholas Crotty, S.J., "Biblical Perspectives in Moral Theology," *Theological Studies*, XXVI, No. 4 (December, 1965), 588.

[2] Alexander Miller, "Unprincipled Living: The Ethics of Obligation," *Christianity and Crisis*, XX, No. 4 (March 21, 1960), 29.

[3] *Ibid.*, 30.

> For in this context the will of God is no general principle, no "vague and enigmatic" rubric by which behavior may be guided. On the contrary, the will of God is the quite concrete and dynamic action of God in the world to make and to keep human life human.[2]

But how do we know what God is doing, so that we may answer and conform to his actions? And there being so many Christian communities, fellowships "in the Lord," how do we distinguish one koinonia from another--or, rather, in the bosom of which fellowship is God's action to be discovered and followed?[3] The insistance that man, in the situation, must give his answer to what God is doing

> raises questions as to how we know what God is doing in the very ambiguous situations which we continually confront unless we have in our minds some criteria. . . . Such criteria would be necessary protection against aberration, such as in the case of many churchmen who saw God at work positively in Hitler.[4]

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[1] P. L. Lehmann, op. cit., 152. See also James M. Gustafson, "Christian Ethics," 332-333.

[2] P. L. Lehmann, op. cit., 344-345.

[3] Professor Fitch raises this question in a letter commenting on Alexander Miller's article: "Mr. Miller celebrates the koinonia by which God enmeshes man 'in a profound mutuality of obligation that is for pure love's sake.' But just how, without a few principles, do you tell the difference between that koinonia and the koinonia of Rousseau's Social Contract or of Hobbes' Leviathan?" (Christianity and Crisis, XX, No. 8 /May 16, 1960/, 71).

[4] John C. Bennett, "Issues for the Ecumenical Dialogue," in John C. Bennett (ed.), Christian Social Ethics in a Changing World (New York: Association Press, 1966), 376.

Lehmann's answer is clear. We know what God is doing by the "theonomous conscience," a God-attuned awareness and connaturality, or a sort of mystical sensitivity, the product not of reason but of faith.

> The theonomous conscience is the conscience immediately sensitive to the freedom of God to do in the always changing human situation what his humanizing aims and purposes require. The theonomous conscience is governed and directed by the freedom of God alone. Ultimately, it is in this freedom that the decisions of men are set, and from this freedom come the power and the transforming possibilities which give ethical shape to behavior.[1]

True Christian behavior, therefore,--that is, moral behavior--arises from connaturality with Christ and God through faith, within the context of the Christian community.

Moral Principles

The third basic starting point, continues Gustafson, is that of moral principles. Here, principles are the ground upon which the structure of moral behavior is built.

Principles are paramount, valid and ultimate in themselves. Moral behavior ensues when, in particularized situations, decisions are made according to the principles, or by applying the principles. The principles may, of course, be justified in various forms, theologically, rationally, sociologically. But they are supreme once this justification is satisfactorily accomplished. From then on, all that the individual does is apply the principles to the needs of the case. To help him an entire structure may be built, elaborate in all respects, attempting to cover beforehand all the possible differences in circumstances, so as to facilitate the task of applying principles to concrete actions.

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[1] Paul Lehmann, op. cit., 358-359.

Here again, as in the previous starting points, differences appear with regard, for instance, to the interpretation of principles, to the importance given to them, their number, and so on. Thus we have, on the one side, Roman Catholicism, which has been traditionally on the "principles" side, and has espoused a very strict understanding of these "principles." On the other side we have writers like Paul Ramsey and John C. Bennett who, as Gustafson writes elsewhere,

> have been, in different ways, the defenders of "principles." They have stressed the importance of statements of moral imperatives: in Bennett's case, goals derived from the biblical norm of love; in Ramsey's case, principles of right conduct shaped by Christian love and natural law.[1]

Christian Life

The fourth and final starting point or basis is the consideration of the Christian life as revealed in the Christian's behavior. The nature of the life "in Christ" is apprehended and studied as it expresses itself in the Christian's behavior, a behavior which involves, of course, contextual considerations.

The attitude here hearkens back to Christ's dictum, "A good tree always yields good fruit, and a poor tree bad fruit. A good tree cannot bear bad fruit, or a poor tree good fruit."[2] The goodness or badness of the fruit do not make the tree bad or good; they simply show the nature of the tree.

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[1] James M. Gustafson, "Christian Ethics," 326. We shall have occasion to say more about principles later on in Ch. IV.

[2] Mt. 7:17-18.

Consequently, in this approach the main emphasis is on the study of Christian moral behavior as indicative of the moral character of the agent. The standard is, of course, the behavior of Christ himself.[1]

Is Classification Possible?

These four starting points or bases for the approach to Christian ethics are quite varied among themselves, as Gustafson insists. Each one, moreover, incorporates some measure of contextualist concern. However, Gustafson's conclusion that any systematic agglutination of the similarities of these views is bound to be irrelevant does not seem warranted.[2]

Gustafson himself acknowledges that each individual author, in his effort to be all inclusive and comprehensive, must of necessity cross the border of his own circumscribed starting point into the territory of the neighboring ones. In fact, it is impossible not to move from one to the others. This point is clearly exemplified in Fletcher's situationism, as we shall see in Ch. V.

One thing, therefore, is to differentiate the starting points, bases, emphases, attitudes, and so on, of the various views that might be labelled "situational" or "contextual," and another is to claim that the differences are so great as to render irrelevant any grouping according to some common denominators. Gleason, for example, agrees with Gustafson on the point that

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[1] Cf. J. Gustafson, "Christian Ethics," 310-320.

[2] This seems to be the opinion also of James H. Burtness, "The New Morality," Dialogue, V (1966), 10-17. See also Louis Dupré, "Situation Ethics and Objective Morality," Theological Studies, XXVIII, No. 2 (June, 1967), 245.

> Many of the authors who indulge in situational thinking do not espouse all the principles of situational ethics; they pick and choose, and in some authors it is rather an attitude of mind than a series of principles.[1]

But he goes on to state that

> This new ethics is less a system than a widespread existential approach to Christian morality. . . . Frequently this new morality betrays itself more as an indefinable spirit than as a clearcut theology or philosophy or morals.[2]

Alexander Miller insists on the same point,[3] and Joseph Fletcher himself accepts it explicitly since, as he points out, situationism abhors precisely any systematization that would rigorously encase all views within one and only one frame.[4]

Conclusion

In view of all this, it would seem that a more or less systematic classification of situation ethics is not altogether irrelevant or useless.

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[1] Robert Gleason, S.J., "Situational Morality," Thought, XXXII (1957), 549-550.

[2] Ibid., 533.

[3] "There is nothing in all this to give us a system. Indeed the thrust of this perspective is wholly against systems." (Miller, op. cit., 28-29.)

[4] "The theological or philosophical framework is not the same for any of these people, but it need not be, since situationism is a method, not a substantive ethic." (Situation Ethics, 34).

Provided, of course, that the classification remain loose enough to incorporate the different shades of meaning that undoubtedly exist.

In what follows, therefore, the objective will be to pick out the more or less common attitudes of ethicists who class themselves, or might be classed, within the situationistic framework. What will emerge will not be characteristic of any one writer, but it is hoped it will be sufficiently comprehensive to characterize this perspective, as Miller has called it.[1]

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[1] "Since about 1950 there has developed what appears to be a coherent perspective; at least since it has been criticized as a whole it must constitute some sort of a whole. . . . There is here certainly a mutual developing indebtedness and a notable convergence of view." (Miller, op. cit., 28-29).

CHAPTER II

SITUATIONISM: A VIA MEDIA

Introduction

In our quest for a description or classification of situation ethics, one of the first things that must be ascertained is the relationship situation ethics has toward other ethical views or theories. Preoccupation with moral matters is not a brand new phenomenon, and so any view, systematic or methodological, making its appearance in a modern age, must define itself against the background of existing theories and approaches.

Situation ethics, we have said above, may be easily identified with the "New Morality" because its tenets possess enough novelty to vouch for its modernity. But perhaps this newness must be further scrutinized, and the theory's claim to contemporaneity further clarified.

From a certain point of view situation ethics is not really "new." The emphasis on the importance of the consideration of the peculiarities of every situation for the making of a right choice has been a constant concern of ethicists, and the importance accorded the individual person's conscientious decision has been characteristic of modern approaches to moral philosophy. This is exemplified, for instance, in traditional casuistry, which, as Fletcher remarks, "is the homage paid by legalism to the love of persons, and to realism about life's realities."[1] The notion of epikeia, commonplace in Roman Catholic moral theology, is an indication of the same concern.[1] So is the personalistic concern that characterizes so much of modern ethical theory after Kant.

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[1] J. Fletcher, Situation Ethics, 19.

Situationism, however, does seem to add a certain newness of approach to the traditional contrivances introduced as safeguards of the person's worth and as guides for conscience's perplexities before somehow unforeseen or unique occurrences. Fletcher, for instance, grants that

> This is a neo-casuistry--this situationism. It is, like classical casuistry, case-focussed and concrete, concerned to bring Christian imperatives into practical operation. But unlike classical casuistry, this neo-casuistry repudiates the attempt to anticipate or prescribe real-life decisions in their existential particularity.[2]

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[1] Cf. Marcellino Zalba, S.J., Theologiae Moralis Compendium (2 vols.; Madrid: Editorial Católica, 1958), I, Nos. 538-542. Gleason, op. cit., 557, writes: "Traditional morality has always recognized the need for exemptions, excusing causes, epikeia in particular situations with regard to positive laws."

The concept of epikeia was used by Thomas Aquinas, Summa Theologica, II-II, q. 120, a.1, and it appeared originally in Aristotle Eth. Nich. vi. 12 [1143a 31-32] and in Rhetoric 1. 13 [1374a 25-32] and [1374b 10-16] (trans. W. Rhys Roberts, Vol. 9 of The Great Books [54 vols.; Chicago: Encyclopaedia Britannica, 1952], 618-619), which run as follows: "The second kind [of conduct] makes up for the defects of a community's written code of law. This is what we call equity; people regard it as just; it is, in fact, the sort of justice which goes beyond the written law. Its existence partly is and partly is not intended by legislators; not intended, where they have noticed no defect in the law; intended, where they find themselves unable to define things exactly, and are obliged to legislate as if that held good always which in fact only holds good usually; or where it is not easy to be complete owing to the endless possible cases presented. . . . Equity bids us be merciful to the weakness of human nature; to think less about the laws than about the man who framed them, and less about what he said than about what he meant; not to consider the actions of the accused so much as his intentions, nor this or that detail as much as the whole story; to ask not what a man is now but what he has always or usually been."

No wonder Fletcher can say that "The situational approach to ethical decisions has at least a parallel in the classical tradition--in the epicheia [sic] or equity." (The New Look in Christian Ethics," 18 footnote 30); Cf. J. Fletcher, Situation Ethics, 99, 150-152.

[2] Joseph Fletcher, "The New Look in Christian Ethics," 17.

Moreover, with regard to the importance placed upon the varying circumstances or situations, he maintains that

> In plain fact men have always been situationists, more or less, but the difference now is that they are situationists as a matter of rational and professed method.[1]

Canon Douglas Rhymes agrees with all this. The newness of situationism is a newness of approach stemming from the emphasis on the worth of the human person and respect for the individual's decision, as well as from an eagerness to justify moral behavior in a manner similar to scientific verification. This latter concern is reflected in the pragmatic approach that dominates many of today's ethical considerations, and is especially noticeable in the U. S., where ethics has been generally more practical than academic.[2] Adopting the scientific attitude to principles and laws, therefore, situationism, as Canon Rhymes concludes, will take the stance that

> The only authorities that modern man will be likely to recognize within the moral sphere will be the authorities of proved and tried experience of what works and what is appropriate within a given situation.[3]

Criticism of Traditional Morality

Within this framework it is easy to understand why situationism begins by a definite criticism of so-called traditional morality, especially the forms of it that are most bound by a rigid and inflexible legalism.

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[1] Ibid.

[2] James M. Gustafson, "Christian Ethics," pp. 287-292.

[3] Douglas A. Rhymes, "The 'New' Morality," Religion in Life, XXXV, No. 2 (Spring, 1966), 172.

This criticism is, of course, not exactly new, and this fact has been brought out in discussions.[1] Still, the systematic defiance of rules and laws, not merely in practice, but as a theoretical tenet, does seem to constitute a distinctive characteristic of situationism, and is most certainly the factor that has caught the fancy of the news media.[2] Gleason, in a not too unfavorable criticism of the "New Morality," describes situationism's stance as follows:

> The new morality prides itself in not being based exclusively upon commandments, particularly those of the Old Testament, nor upon laws, but upon the existential context in which a decision must be made. The individual must judge and choose within a network of circumstances which cannot be duplicated and the absolute law, while not deprived of its value and adequacy in the objective order, is deemed insufficient enlightenment to the individual in difficult circumstances. Each act is to take place in a set of circumstances which is completely new and irrepeatable and consequently the call of God in this situation is one which is not fully covered by the objective, universal law based upon the abstract essence of man. Although the law in the abstract is valid, the existential context as determinant of genuine morality is superior to this law.[3]

This, as situationists insist, is an extreme yet logical application of the principle of the supremacy of the human person. To submit the individual's decision to a law would be tantamount to subordinating the person to a thing--subordinating a Thou to an It, in Buber's language.

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[1] Cf. Gleason, op. cit., 536: "Some of the criticisms of situational morality against traditional morality are not particularly new."

[2] For instance The Record for Monday, November 14, 1966, reported an interview with Professor Fletcher under the headline "Ethics Teacher Frowns on Rules."

[3] Gleason, op. cit., 549.

The traditional emphasis on rules and laws is but an encumbrance on the freedom of the person, to be exercised in each concrete situation. As Gustafson puts it,

> Legalisms are false idols upon which people rest; they are finally obstructions to the relationship between being and man, between man and man, and prevent true self-affirmation.[1]

Situationism, then, defines itself, in one respect, as opposed to the absoluteness of moral rules, laws and principles. But not all situationists take the same stance in their attitude to rules. Nor do all traditionalist ethicists define the absolute cogency of laws in the same way. This is a problem that will occupy us in the following chapter. At present it will suffice to note situationism's specific objection to absolute legalism of all types.

From Legalism to Antinomianism

At the opposite end of legalism with its absolutism of laws and rules, stands antinomianism, the claim that both man's uniqueness as a person, and the uniqueness of the circumstances in which he often finds himself, rule out any and every appeal to rules. Rules are to be utterly disregarded and treated as non-existent. Man's moral decisions must be made solely within the context, unique and unrepeatable, in which he, and he alone, finds himself.

It is not without reason that existentialism, especially of the

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[1] J. Gustafson, "Christian Ethics," 304-305.

Sartrean type, has been typically associated with antinomianism.[1] Born out of the unprecedented situations in which the French underground members found themselves during the German occupation, Sartrean existential morality insists on the irrelevance of traditional moral principles to the solution of cases hardly any man had ever found himself in, and to the making of decisions for which no precedent could be invoked.

To a very large extent the fact that existentialism builds its morality around the unique, unrepeatable, even freak situation, constitutes a weakness rather than a strength, since most men do not find themselves in such unusual circumstances--or at least, they do not experience this difficulty constantly. Situationism seems to labor under the same difficulty, since most of the cases it tackles or the examples it uses are very exceptional, artificial and remote.

It is, to say the least, dubious ethical procedure to construct an ethics around the exceptional--especially if this ethics is meant to apply to the "ordinary" man, the man least likely to find himself in such fantastic situations.

Moreover, the claim that situations and persons are "unique" and, consequently, that what may apply to one person in one situation does not apply, and cannot apply to another person in another situation, is at least questionable.

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[1] Ordinary existentialist ethics should be carefully distinguished from ethics that takes a special notice of the existential situation without denying a certain continuity of experience. Karl Rahner, for instance, speaks about a "formal existential ethics," but he is quite far from "existentialist" ethics. See also Bernard Häring, C.Ss.R., The Christian Existentialist (New York: New York University Press, 1968), 70-96.

In the first place, the principle of justice or equality, accepted by ethicists generally, states when applied to morality that persons and situations are to be considered similar, if not identical, unless and until relevant reasons or facts can be adduced to establish differences in relevant respects, that is, differences that really matter in the particular situation. This, however, seems to be denied by antinomianists and neglected by situationists, at least theoretically.

The existential point of view, so interestingly studied by Sartre, denies this by denying the existence of any human essence or human nature participated in by every individual human being. The individual simply exists, is, and only becomes something, defines himself (i.e., acquires an essence) as he fashions himself through his actions. Consequently, every human being is unique, an essence all by himself, a single unrepeatable species. The starting point is "difference," the opposite of the principle of equality. The onus is on him who claims similarity.

Hence, rejection of laws must follow inevitably. For laws assume the similarity of situations and the similarity of human beings acting in those similar situations. The only possible stance for the antinomian is to treat every other moral agent as an antinomian, as a being with whom he has no more affinity than the antinomian label that applies to each in a specific, unique way. As Simone de Beauvoir puts it,

> One of the concrete consequences of existentialist ethics is the rejection of every principle of authority. To put it positively, the precept will be to treat the other . . . as a freedom so that his end may be freedom; in using this

> conducting-wire one will have to incur the risk, in each case, of inventing an original solution.[1]

However, this very risk may prove fatal. In fact, as far as ethics goes, it may be said to constitute one of the major objections to an existential ethics. This is the second point to be considered here, and it is of a more practical nature, though it does not lack a theoretical ground.

Theoretically at least, we said above, the antinomist rejects the principle of equality or justice. According to it, it would be logically inconsistent to claim one must act in a particular way in a particular situation, and yet not to imply that any other similar person should act in the same way in a similar situation, since persons and situations are assumed similar unless and until relevant reasons can be proferred to show their dissimilarity in relevant respects. This is the strength of the principle of equality.

But the antinomist claims that no such similar persons or situations do in fact exist, thereby theoretically denying the principle.

And yet, as Bishop Pike pointedly remarks, there is a datum of experience constantly verified, and therefore one we have to reckon with: we instinctively revolt when we feel something in unjustly done to us--even though we may have done unjustly, in similar instances, to others. In practice, that is, we do not seem to grant what theoretically we do. No matter how much we say that we think others should have the right to do as they please--the theoretical negation of the principle of equality--we resent, in practice, when others actually do as they please to us, especially when this is injurious to our interests. In Pike's words:

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[1] Simone de Beauvoir, The Ethics of Ambiguity (New York: Philosophical Library, 1948), 142.

> Part of the data of reality is the plain fact that virtually everybody feels a sense of right and wrong when he's the onject of something he doesn't like. He utters judgmental labels, defends his "rights," feels bound up, and in general protests--and protests vehemently. Whether in each instance he is justified in his instinctive reaction in the light of an avowed no-ethic, it is there. And this datum of experience displays a well-nigh universal instinct that there is a right--or rightful--dimension of human behavior.
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> . . . .
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> Even though it can be shown that there is no logical base for the antinomian position, even though the incongruity of the living out of no-lawism verges on the absurd--nevertheless, it is the disquiatude we have been discussing that can finally reduce the antinomist to the unhappy awareness that his stance is impossible. We can now state this disquietude. The antinomist has discovered that there are other antinomists in his world.[1]

But there is a third point to be brought up here, and it is this. Maybe the implications of denying the principle of equality, even theoretically, are not as harmless as would seem at first sight. Maybe it is not just a question of different assumptions with regard to the nature of man and his human experiences. That is, maybe it is not merely a question of some moralists stating that the principle of equality demands that men be considered or treated equally unless and until relevant facts or reasons can be adduced to justify any difference in treatment, while other moralists, the existentialists, claim that men ought to be treated differently unless and until some facts or reasons can be adduced to justify their being considered similar and therefore their being treated in similar fashion--which facts or reasons can never be produced according to antinomists, because there is no common essence or nature for men to share.

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[1] James A. Pike, You and the New Morality (New York: Harper & Row, 1967), 49.

The point is, whether this difference, as stated, is purely one of assumptions--in which case there is not too much room for argument, both assumptions, qua assumptions, being equally justifiable--or, rather, whether there is a hidden fallacy in the denial, at least theoretical, of the principle of equality.

This question might be tackled empirically, as Pike does in the passage cited above, or by reference to verifiable characteristics of the human phenomenon, like man's mortality, his universal desire for survival, his universal aversion to pain, his vulnerability to attack from others, his need of other men in order to survive.[1] These characteristics may be said to be universally possessed by all men, and the fact of this possession would constitute sufficient ground for the establishment of a relation of similarity. But this will be dealt with more at length in the following chapter.

This empirical consideration aside, then, the question may be put in the following words. Within an ethical theory, what are the logical entailments of assuming that each man is unique, and each situation unrepeatable?

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[1] Richard S. Peters, Ethics and Education, 99-100.

The obvious answer is this: the logical entailment of assuming that every individual man is unique, and that the situations in which he may come to find himself are unique and unrepeatable, is that the only reason or justification he can offer for his particular decision and for the actions following from it, is that he is what he is; the fact, in other words, that he is not someone else, that he is himself.

If this is the case, he must at least grant the same prerogative to everyone else. Each must be able to say, as justification for his actions, that he is himself, and that is that. This, presumably, is the meaning to be attached to Simone de Beauvoir's words, quoted earlier, to the effect that one must treat the other "as a freedom so that his end may be freedom."

It would follow, therefore, that each one's action would be unique, unrepeatable, and justified by the very fact that it was "this man's action." This would mean, in fact, not merely that anyone could justify his particular way of acting by recourse to his uniqueness, but also, that one would be able to justify one's acting in any way one would please, in any circumstances whatsoever, by simply claiming to be oneself. Now this, as Singer has pointed out, is self-contradictory.[1]

For obviously, if everyone can make the same claim and justify his actions, any action, by reference to his uniqueness as a human person; in other words, if everyone has the right to use his very uniqueness as justification for his doing just any action, then he would, in fact, be claiming for himself and for everyone else a right he would, *ipso facto*, be denying himself and everyone else. And this is self-contradictory.

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[1] Marcus G. Singer, Generalization in Ethics (New York: Alfred A. Knopf, 1961), 23: "If one could invoke the fact that he has a certain name or is a certain person--is 'someone special'--to justify his acting in a certain way, he could invoke the same consideration to justify his acting in any way he pleases under any circumstances whatsoever. But so could everyone else. It would follow that everyone has the right to act in whatever way he pleases. Now this is not just false--it is self-contradictory."

So that the ontological denial of a common essence for men, and the assertion that every individual human being is unique, if treated as a justification for certain moral actions, proves to be self-contradictory.

It is doubtful, however, whether or not this self-contradiction can be considered at all as an argument against existentialist ethics. To be sure, Sartre, in his *Being and Nothingness*, deals in an exhaustive fashion with the essential or basic self-contradictions involved in man's very existence, in his trying to be or to become something without ceasing to be a becoming, an endlessly flowing freedom. And the conclusion at the level of ontology is, precisely, that "man is a useless passion," a continuous effort that is never brought to fruition. For he can never solve the self-contradictoriness of his trying to become something (static) without ceasing to be freedom (dynamic).

It is because of this, notes Simone de Beauvoir, that existentialism is accused of being subjective, even solipsistic. But this subjectivism can be transcended precisely in an ethics that is based on man's inalienable freedom. The *logical* self-contradictoriness can be transcended through *moral* action. For

> The idea that defines all humanism is that the world is not a given world, foreign to man, one to which he has to force him-

> self to yield from without. It is the world willed by man, insofar as his will expresses his genuine reality.[1]

But this world is not willed by individual men, each independently of the other:

> For existentialism, it is not impersonal universal man who is the source of values, but the plurality of concrete, particular men projecting themselves toward their ends on the basis of situations whose particularity is as radical and as irreducible as subjectivity itself.[2]

Self-contradictoriness, in other words, exists when the individual is considered _against_ the plurality of other men, and in such instances it is indeed insurmountable. Man, as individual man, is indeed a useless passion, his efforts doomed to failure, his outlook dark and pessimistic. And so the difficulty must be transcended not by denying the uniqueness that makes men separate, but by uniting plurality and singularity, by postulating, at the moral level, a success that is denied to ontology:

> An ethics of ambiguity will be one which will refuse to deny _a priori_ that separate existants can, at the same time, be bound to each other that their individual freedoms can forge laws valid for all.[3]

Two interesting considerations can be derived from the preceding arguments. The first is that, from the existentialist's point of view (a point of view also shared by situationists), to imagine that the moral life can be governed by laws and rules is simply the result of an effort to evade responsibility, to withdraw from the common task of creating the moral world.[1] The individual's refusal to engage in freedom with the freedom of others results in his search for cover behind the facade of conventional morality: "He is thereby led to take refuge in the ready-made values of the serious world . . . he will take shelter behind a label,"[2] instead of making his own values by engaging in his own freedom.

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[1] Simone de Beauvoir, _op. cit_., 17.

[2] _Ibid_., 17-18.

[3] _Ibid_., 18.

Secondly, since the world of moral values arises from the convergent freedoms of the various individuals, it makes no sense to posit general moral questions such as "What is right?" "What is good?"

> To ask such a question is also to fall into a naive abstraction. We don't ask the phycisist, "Which hypotheses are true?" Nor the artist, "By what procedures does one produce a work whose beauty is guaranteed?" Ethics does not furnish recipes any more than do science and art. One can purely propose methods.[3]

From this point of view existentialist ethics does not appear as devoid of content as one might otherwise suppose by perusing the conclusions of Sartre in his Being and Nothingness. There is a content in existentialist ethics, even though this content is presented as intimately connected with, if not as identical to, the freedom of man. As Simone de Beauvoir expresses it, "The characteristic feature of all ethics is to consider human life as a game that can be won or lost and to teach each man the means of winning."[1]

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[1] Ibid., 158-159: "Existentialism does not offer to the reader the consolation of an abstract evasion: existentialism proposes no evasion. On the contrary, its ethics is experienced in the truth of life, and it then appears as the only proposition of salvation which one can address to men."

[2] Ibid., 44.

[3] Ibid., 134.

Winning the game, as she goes on to explain, consists of, first, not being content with just being, with the attainment of some definition of oneself, since every definition, by the very fact that it supposses an essence, is static, and therefore unbecoming to the freedom that man is. Second, winning the game means that one is able to overcome all obstacles, to "renew his engagement in the world, thereby thoroughly asserting the independence of freedom in relation to thing,"[2] that is, maintaining freedom always open-ended, always dynamic, always ready to reach out toward the future, toward new possibilities. Thirdly, winning the game entails the free acceptance that this is the meaning of freedom, that these are the requirements of freedom.

Put in other words, this third meaning of "Winning the game" means that the individualism of antinomian ethics does not necessarily entail chaos, that

> individualism does not lead to the anarchy of personal whim. Man is free; but he finds his law in his very freedom. First, he must assume his freedom and not flee it; he assumes it by a constructive movement: one does not exist without doing something; and also by a negative movement which rejects oppression of oneself and others.[3]

The _doing_ means the creation of the moral world; the _negative movement_ means the free acceptance of the fact that this creation is not achieved by the individual alone but by "the plurality of concrete, particular men projecting themselves toward their ends," the acceptance that the logical and ontological self-contradiction of the claim of absolute, unique, individual freedom, is transcended only in the moral realm in which "individual freedoms can forge laws valid for all." In brief, as Simone de Beauvoir puts it, "To will oneself moral and to will oneself free are one and the same decision."[1]

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[1] _Ibid_., 23.

[2] _Ibid_., 29.

[3] _Ibid_., 156.

Situationism and Antinomianism

This somewhat detailed treatment of existential ethics has been necessary because situationism has been distinctly associated with antinomianism right from its appearance on the ethical scene.

This association is obvious in the earliest statements of the Catholic Church against situation ethics. And perhaps because of this identification many of the later commentaries on situationism criticized it as existential, lumping them all together, antinomians and situationists of every garb. Gleason, for instance, described situationism as the

> latest attempt to renew the science of moral philosophy in the light of existentialist philosophy and the enhanced importance modern thought lends to subjective states and situational factors.[2]

And in more detail he explains what he means in the following terms:

> The distinctive claim of this new school of ethics is that it aims at placing man, in the uniqueness of the given moment, before God his Father in an I-Thou relationship of love. Given that relationship the decision that is proper in the unique set

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[1] Ibid., 24.

[2] R. Gleason, "Situational Morality," 535.

> circumstances should inevitably follow for the sincere Christian, guided as he is by an inner light. But this decision will be ultimately formed not so much by the application of universal laws, such as the Ten Commandments, to his given situation, as by this mysterious light. The real concrete conditions in which one must make a moral decision are the circumstances which help the sincere Christian perceive what it is that God expects of him at the moment. Universal laws are of less importance in difficult cases, and may be by-passed with impunity, for the state of affairs in which man finds himself is unique and valid but once, and therefore general principles cannot fully command man's decisions. What the Christian needs above all things, the new ethicians believe, is sincerity, candor; less important are the objective actions that flow from this unconditioned sincerity.
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> . . . .
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> This "morality of the spirit of the law" seeks to determine the objective morality of a given situation quasi-independently of abstract moral principles. It claims to be an existentialist, personalist morality in opposition to a merely "metaphysical" morality.[1]

Although situationists, no doubt, have often expressed views in language reminiscent of existentialist spontaneity--as when Sittler talks of the Christian as being inspired by "occasional lightning flashes and gull-like swoops into concrete situations"--still there has been a very explicit disassociation of situation ethics from antinomianism. Fletcher, for instance, claims that his view "is no 'antinomian' process, even though it is radically relativistic."[2]

For, he asserts, what is peculiar and proper of antinomianism is

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[1] Ibid., 533-535. This confusion, as Fletcher remarks in "Angelican Theology and the Ethics of Natural Law," in John C. Bennett (ed.), Christian Social Ethics in a Changing World (New York: Association Press, 1966), 325, is to be found also in Karl Rahner's essay "On the Question of the Formal Existential Ethics," in his Theological Investigations (2 vols.; London: Darton, Longman & Todd, Ltd., 1961-1963), II, 217 ff.

[2] J. Fletcher, "The New Look in Christian Ethics," 10.

> the spontaneity or impulse of the moment, experienced as "intuition" from within or "guidance" from without. The antinomian enters the decision-making moment unencumbered but unarmed by any prevenient principles whatsoever.[1]

And he continues:

> On the basis of this theory, the fabric of experience is denied; there is no connective tissue in events, all is unique. There is no web of life to relate one moment of decision to another, and hence no basis for generalizing. According to the theory of radical discontinuity every situation has only its particularity. . . . On such an ontology the existentialists rightly reject all principles or "generally valid" ethical propositions.
>
> On the contrary, situational or contextual ethics, the "new morality" as Bishop Robinson has called it in his Honest to God (1963), is not existential, at least in the philosophical sense that a Kierkegaard or a Sartre would suppose.[2]

According to situationism, then, the antinomist's rejection of principles and rules and laws absolutely, does away with the empirically verifiable "web of life" or "the fabric of experience." Such radicalism is not favored by the situationist, and it is this that, as Fletcher claims, marks the new morality off from antinomianism.

Many critics of situation ethics, however, have failed to be convinced by the situationist's disclaimers. Paul Ramsey labors this point at length,[3] while Gustafson states categorically that

> For all his denial that situation ethics is not the same as existentialist ethics, I fail to be persuaded by what Fletcher says. . . . Fletcher wishes to distinguish his ethics from a blatant hedonism, but from what I can judge . . . what wills

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[1] J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 324.

[2] Ibid., 325-326.

[3] Cf. Paul Ramsey, Deeds and Rules in Christian Ethics (New York: Charles Scribner's Sons, 1967), 145 ff.

out in the end is an egocentric self-expressionism, or an unsophisticated self-realizationism.[1]

This point will have to be settled in our study of the relationship or attitude of situationism to laws and principles, which we shall develop in the following chapter.

For the time being we shall have to be satisfied with the conclusion that situationism, at least, defines itself as a mid-way position between legalism and antinomianism.

Situationism: between Law and No-law

In defining itself as a via media situation ethics means to assert whatever positive content is to be found in the absoluteness of rules and the openendedness of relativistic no-law-ism.[2] It rejects legalism because it would freeze freedom and responsibility;[3] it does not agree

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[1] James Gustafson, "The Shouting of Slogans," Commonweal, LXXXIII, No. 19 (February 1966), 582.

[2] J. Fletcher, Moral Responsibility, 167-171.

[3] J. Fletcher, "The New Look in Christian Ethics," 16: "Legalism always emphasizes order and conformity, while 'situation ethics' puts its premium on freedom and responsibility."

Again, in Moral Responsibility, 164-165, he maintains that legalism is a distortion of the law. "Legalism is at bottom a rigid adherence to the letter rather than the spirit of law, and the law it obeys tends to be statutory or code law, fixed and spelled out. . . . The motive and purpose behind all law is to minimize obligation, to define and distribute the costs and burdens and restraints of justice and social order. This in itself is only fair and constructive; law as such is a necessary and even creative feature of all community life; but when the motivation of the law observer is to hide behind the letter of the law in order to escape the high demands of its spirit, we have legalism."

In opposition to this distortion of the law we have responsibility: "Neighbor-concern or social conscience, or what is called 'love' in fully with antinomianism because, after all,

> the situationist or contextualist enters into his decision making well armed with "principles generally valid" but prepared to modify, suspend or even violate any principle or "general rule" if in the situation the command to love the neighbor is better served.[1]

Consequently, situationism differs from both:

> This is not an ethic of "inspiration" or of "ends," but of decision. It is a Christian ethic, radically different from the preponderant legalism of the Christian past, as well as from its sporadic antinomianism. It is theonomic, or more carefully put, Christonomic.[2]

In fact, it is precisely the opposition between legalism and antinomianism that gives rise to the contextual approach. None saw this more clearly than the late Paul Tillich. Legalisms of all sorts break down when the individual person has to face his concrete problem. But a complete absence of principles and norms places an unbearable and unnecessary burden on the moral agent. And so he asked himself:

> Is there a possible solution beyond the alternative of an absolutism that breaks down in every radical change of history and a relativism that makes change itself the ultimate principle?[3]

Christian ethics, maximizes obligation. Legalism minimizes it." (Ibid., 165).

For Fletcher, no doubt, "Law ethics is still the enemy." (Ibid., 241). Cf. B. Härring, op. cit., 87.

[1] J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 325. A further refinement of this middle position will be achieved in Chs. III and IV. See also P. Ramsey, Deeds and Rules in Christian Ethics, 145, footnote 2.

[2] Ibid., 327. Fletcher does admit, however, that "The situational ethic is ex casu and thus far, at least, closer to existential decision than to natural law ethics." (Ibid., 328).

[3] Paul Tillich, Morality and Beyond (New York: Harper & Row, 1966), 88.

The answer, he felt, was to be found in the direction of a *via media*, a stance that would incorporate the positive values of principles as well as not violate the sanctity of the individual human person's decision. He felt that

> There must be something immovable in the ethical principle, the criterion and standard of all ethical change. There must be a power of change within the ethical principle itself. And both must be united.[1]

The barest amount of immobility required Tillich found in the principle of love (*agape*), while the power of change he discovered in the particular situation (*kairos*). The first one, love, Tillich explains, is established

> under the impetus of the actual problem in our present world-situation. Love, *agape*, offers a principle of ethics that maintains an eternal, unchangeable element, but makes its realization dependent on continuous acts of creative intuition. Love is above law, and also above the natural law in Stoicism and the supranatural law in Catholicism. We *can* express it as a law; we can say as Jesus and the apostles did, "Thou shalt love." But in doing so, we know that this is a paradoxical way of speaking, indicating that the ultimate principle of ethics, which, on the one hand, is an unconditional command, is, on the other hand, the power of breaking through all commands. And just this ambiguous character of love enables it to be the solution of the question of ethics in a changing world.
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> . . . .
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> *Love alone can transform itself according to the concrete demands of every individual and social situation without losing its eternity and dignity and unconditional validity*. Love can adapt itself to every phase of a changing world.[2]

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[1] *Ibid*., 87.

[2] P. Tillich, *op. cit*., 88-89. It is interesting to note that Tillich finds love as a solution precisely because of its *ambiguous* character as law-yet-anti-law, while Simone de Beauvoir builds her ethics of *ambiguity* on freedom's ambiguous ability to bridge the gulf between uniqueness and plurality.

The second factor, the situational or contextual character of this solution, he explains as follows:

> I should like to introduce at this point another Greek word, kairos, "the right time." This word, used in everyday Greek, received an emphatic meaning in the language of the New Testament, designating the fulfillment of time in the appearance of the Christ. It has been reinterpreted by German religious socialism in the sense of a special gift and a special task, breaking from eternity into history at a special time. Kairos in this sense is the historical moment when something new, eternally important, manifests itself in temporal forms, in the potentialities and tasks of a special period. It is the power of the prophetic spirit in all periods of history to pronounce the coming of such a kairos, to discover its meaning, and to express the criticism of what is given and the hope for what is to come.
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> All great changes in history are accompanied by a strong consciousness of a kairos at hand. Therefore, ethics in a changing world must be understood as ethics of the kairos. The answer to the demand for ethics in a changing world is ethics determined by the kairos. But only love is able to appear in every kairos.
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> . . . .
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> Love, realizing itself from kairos to kairos, creates an ethics that is beyond the alternatives of absolute and relative ethics.[1]

Conclusion

To sum up: we have tried to find the locus situation ethics claims for itself in the spectrum of varying ethical approaches. To accomplish this we examined briefly the ethics of laws and absolutes, traditional ethics, or legalistic ethics, and we found that contextualism placed itself clearly beyond the law.

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[1] Ibid., 89-90.

We then turned to the opposite of legalism, antinomianism, especially as exemplified in existential ethics. Here again we found that situationism explicitly disclaimed any identity with this position, although its critics maintain that any distinction between them is hard to see.

At any rate we have seen situationism as claiming for itself a via media, a position mid-way between legalism and antinomianism.[1] We have now to consider in greater detail situationism's attitude as expressed by various writers, toward rules and principles. Out of this consideration will emerge, it is hoped, a clearer definition of the locus of the new morality in the world of ethics.

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[1] Cf. Lee A. Belford, "Fletcher Writes on New Morality," The Witness, LI, No. 15 (April 21, 1966), 7.

CHAPTER III

SITUATIONISM AND LAW

Introduction

In the previous chapter we tried to establish the locus of situationism vis-à-vis other ethical approaches. We found that the "new morality" claimed for itself a place between the strictness of law and the looseness of no-lawism.[1] However, the precise relationship of situationism to laws, principles, and rules was not studied in detail. Moreover, the attitude of situationists to legalism appeares to be intricate enough to merit separate treatment, since questions such as the relativity of moral prescriptions, the universality of obligations, the absoluteness of principles, seem to demand careful consideration. After all, antinomists also, as well as situationists, object to legalism, and they do so often on grounds similar to those proferred by situationists--to the extent that, as we pointed out above, the two views, situationism and antinomianism, are often identified. On the other hand we saw Fletcher claim that "the situationist or contextualist enters into his decision making well armed with 'principles generally valid',"[2] a position disclaimed by antinomists.

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[1] "We should consider bases for deciding what scheme of ethics is the most acceptable one, what frame of reference should consistently be used in making particular ethical decisions. In the end there are only three such schemes: Code ethics, founded in immutable laws derived from an infallible source or sources; antinomianism (literally, against-law-ism); and existential ethics, grounded in a claim upon the individual to make decisions responsibly but with the understanding that each decision must be made in a context of the given situation, and that no a priori answer book is possible " (J. Pike, op. cit., 4).

[2] J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 325.

Situationists, as well as existentialists, have claimed that traditional legalistic morality has served largely as a haven for those unable to shoulder the responsibilities imposed by the complexity of modern life.[1] Again, both situationists and existentialists have insisted that the slavish application of the law to concrete human situations violates the dignity of the human person, subordinating the individual to a thing--a Thou to an It, in Buber's terminology.[2]

To the legalists' claim that the notion of epikeia is there to take care of exceptional situations, they answer that this may be so for the specialist, the professional moralist, but that its existence is not even known by the ordinary human being who faces the exceptional; i.e., to the "layman," who thus knows no respite from the strictures of the law.

Within this context of opposition between legalism and situationism we shall have to study in some detail the forms of absoluteness proposed by legalists, and we shall have to accept some of the criticisms advanced by situationists. We shall trace the opposition of situationism to legalism to the basic conflict between nominalism and realism, the one insisting on the externality of values, the other claiming that values are intrinsic, embedded in the nature of things. To understand these claims better we shall study the notion of natural law, and we shall find that, while there exist a number of exaggerated statements of natural law morality, there are some approaches that hardly merit the accusations levelled against legalism in general. Even the notion of conscience as the sensing device that makes man aware of duties and obligations, we shall see, loses, in many modern formulations, the character of inflexible judge that it has sometimes been credited with.

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[1] "As life and culture become increasingly complicated and widescoped, our ethical problems and decisions grow complex. Then it is that 'prefab' code ethics reveals itself as a neurotic 'security measure' to simplify personal decisions " (J. Fletcher, "The New Look in Christian Ethics," 16). See also William K. Frankena, (Ethics Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1963), 7-8.

[2] Borowitz, in his review of the "new morality," describes this attitude in the following way. Situationists, he says, "may accept guidance from the old principles and agree that a Christian criterion must measure ethical decision-making, but they will not grant authority to whatever impersonal, abstract knowledge is available prior to the unique situation in which the ethical question arises. They want to be unencumbered by the past and thus radically open to the demand God is making at this fresh and unparalleled moment " (Eugene B. Borowitz, "On the New Morality," Judaism, XV, No. 3 (Summer, 1966), 329).

All in all, our conclusion will be that within the objectives of this chapter, no easy and clear distinction between situationism and legalism can be established.

Legalism in General

Reverting for a moment to our original statement of the locus or position of situation ethics, we find that it places itself midway between legalism and antinomianism. Now, leaving aside its relationship to no-lawism, a relationship we examined in the previous chapter, we have here to consider the question of situationism's attitude to legalism.

Legalism, in its more general acceptation, is the ethical view that bases its obligations on the authority of an accepted or imposed law. The point of reference is the law. The law itself may, of course, derive its own value, its own authority, from one or from many sources.[1] Thus, for instance, we have the notion of an eternal law that gives substance to natural and human laws.[2] Or again, we have the various precepts and laws deriving their authority from holy scriptures or institutionalized religious bodies.

Whatever the form and number of these sources, they have this in common quâ laws: they are extrinsic to the agent. Of course, they may be extrinsic in their origin, becoming internalized as the agent adopts them as the guide and directive of his actions. They may, on the other hand, be intrinsic in their origin, in the sense that they are self-imposed or devised by the agent to meet his own particular purposes; but in the latter case they become somehow externalized the moment they are self-imposed, the moment they become a standard to guide the agent's action, a point of reference, a criterion or norm. In other words, whether laws be self-imposed or imposed by someone else, they have an extrinsic quality or character which is peculiar to them.

To put the same matter differently, one may speak of the law as something objective, that is, as a norm at least not entirely in one's power to change or altogether destroy, a norm whose existence is, at least to some extent, not dependent upon the subject's will, a norm which, at least to some extent, can affect the actions of several agents, or can be "observed" by others, scrutinized by others.

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[1] "The view most generally accepted, at least on the conscious level, is that of Code ethics. Some people support the Code simply because that is what they have been taught. Many people, however, support their affirmation of it on the basis of some selected authority or combination of authorities. The principal bases are these: the Ten Commandments, other Biblical injunctions, the teaching of the Church, and natural law" (J. Pike, op. cit., 5).

[2] Cf. M. Zalba, op. cit., I, Nos. 309-315; Aquinas, Summa Theologica I-II, q. 93, a.1c: "The eternal law is nothing else than the type /ratio/ of Divine Wisdom, as directing all actions and movements." Augustine defines it as "the divine wisdom or the will of God ordering the preservation of the natural order and forbidding its disturbance" (Contra Faustum xxii; ML 42, 418).

This is important for a clear understanding of situationism's attitude toward the law, toward all laws and rules. Situationists, as we saw Fletcher remark, do accept laws and rules as objective, extrinsic principles of moral behavior. They accept, in other words, an objective world of principles, principles which they consult and may use as guide to their own actions. It is incorrect, therefore, to place, as Gleason does,[1] the distinction between legalists and situationists in the supposed fact that legalists accept the world of law as objective, ontological, while situationists measure their actions against purely subjective norms or psychological states of mind. Gleason's error seems to stem from his lumping together situationists and existentialists, a confusion we have already referred to above.

But if the difference between legalists and situationists does not lie in their considering the law objective or subjective, there must be some other identifiable difference that marks their attitudes toward the law, for these attitudes are markedly different, and do in fact represent one of situationism's strongest appeal to modern emancipated man. This difference is to be found in the degree of absoluteness accorded to the law by each of the two views in question.[1] For the legalist, the law is endowed with a high degree of immobility, absoluteness, unchangeableness, persistence, irrespective--at least to some extent--of persons, places, times, circumstances. Situationism, on the other hand, denies any such absoluteness to any and every law except the fundamental one of loving one's fellow-men, that is, altruism, so-called utilitarian concern, or Kant's first maxim of treating humanity as an end in themselves.[2]

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[1] "The ultimate differences between this new morality and traditional morality come down then to this: in an objective system of ethics the moral judgment is submitted to an extrinsic norm, an ontological norm founded on the principles of being. In situational ethics the moral judgment is measured only by the subjective, immanent light of the individual in question" (R. Gleason, "Situational Morality," 555).

Gleason describes the legalist's point of view, which is that of traditional morality, in the following words:

> There does exist a natural law and man is bound in conscience to observe that law, whose primary principles, at least, are clearly discernible. In creating man God has given him a natural light of the intelligence by which he may know what is to be done and what is to be avoided in the moral sphere. This natural law is itself a participation in the eternal law which exists in God Himself. Concerning the more general precepts of this natural law no man with normally developed intelligence can be invincibly ignorant. Moreover, this law

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[1] Here Gleason's analysis is correct: "Whether a personal decision is taken as a conclusion of ethical reflection or as a sort of mystical inspiration purporting to come from the Interior Master as Guide for difficult situations, the result is that, in practice, the law is no longer considered as an ultimate source of ethical decisions" (R. Gleason, *op. cit*., 549).

[2] "Man and generally any rational being *exists* as an end in himself, *not merely as a means* to be arbitrarily used by this or that will, but in all his actions, whether they concern himself or other rational beings, must be always regarded at the same time as an end. . . . Accordingly the practical imperative will be as follows: *So act as to treat humanity, whether in thine own person or in that of any other, in every case as an end withal, never as means only*." (I. Kant, *General Introduction to the Metaphysic of Morals*, trans. W. Hastie, Vol. 42 of *the Great Books*, [54 vols.; Chicago: Encyclopaedia Britannica, Inc., 1952] 271-272).

> is intrinsically and extrinsically immutable, that is to say, it cannot be directly changed, although it can be indirectly changed in the sense that a certain matter may no longer fall under the law. There are thus actions which are intrinsically wrong from their very nature prescinding from any circumstance attaching to them. In these substantially evil actions, such as hatred of God, perjury, lying, no change whatsoever is possible in the law governing them. They are always and in every circumstance wrong. Certain actions require the presence of an added circumstance for them to be called evil, and if the circumstance is not present the action is not wrong.[1]

This statement, as is clear, is made in terms of the concept of natural law, which notion will be studied later on in this chapter. What is of concern to us here is the notion of absoluteness, of unchangeability, that is enshrined in it.

It must be noted that the important and essential claim of the legalist is not that there can be no change, but, rather, that change can only be peripheral, extrinsic, accidental. In other words, the stress of the legalist is on the intrinsic--and therefore unchangeable--nature of certain actions and things. The unchangeability of the law is derived from this unchangeable intrinsic nature in question. And where the intrinsic nature of a thing or action is ascertained as unchangeable, the law derived from it is deemed likewise unchangeable. As an example we have lying, which, when defined specifically as the utterance of falsehood for the purpose of deceiving someone who has the right to know the truth, is called intrinsically evil always and in every circumstance. The consequent prescription against lying is, therefore, similarly unchangeable. The only change would be the purely accidental one of some peculiar utterances of falsehood not being classed as lying _today_ which were formerly so classified; or the fact that certain circumstances, like the intention to deceive, not being present in a specific instance, would be enough reason not to label the utterance of falsehood a lie.

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[1] R. Gleason, op. cit., 550.

This is, of course, the extreme stance of absoluteness, and it is to be found in most Thomistic approaches to the concept of morality. It is intimately tied up to certain epistemological and ontological views, such as that things have a definite essence or nature, created by God and therefore unchangeable as long as they remain what they are, and also that such nature or essence can be sufficiently known by most normal human beings.[1] Problems may, of course, arise when very complex situations arise in which it is very difficult to ascertain the exact nature of the situation. But this problem, legalists would claim, is not more complex than that of applying universally valid laws to particular situations.[2] And in extremely perplexing cases one can always have recourse to the notion of _epikeia_ or personal interpretation of the law.[3]

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[1] Cf. Max L. Stackhouse, "Technical Data and Ethical Norms: Some Theoretical Considerations," _Journal for the Scientific Study of Religion_, V, No. 2 (Spring, 1966), 191-203.

[2] "The new ethics . . . poses the age-old question of the relationship of the individual to the universal and it rests upon a philosophy which does not recognize structures universally applicable to each human being" (R. Gleason, _op. cit._, 549).

[3] From this point of view McCormick can claim that "Except for a few absolute negative prohibitions, I believe that Catholic moral theology is quite as situationist as Fletcher at his best" (Richard McCormick, "Notes on Moral Theology," _Theological Studies_, XXVI, No. 4 (December, 1965), 614 footnote 30).

The Concept of Natural Law

The notion of absoluteness as derived from the intrinsic nature of things is best exemplified in the traditional concept of natural law. At bottom, this concept is extremely simple, but the complications that attend its formulation, its interpretation, its application, are by no means small. Here an attempt will be made to expound, first, a general statement of the concept of natural law, and secondly, to single out some of the variants in formulation and interpretation, variants that have relevance in our study of situation ethics.

The general concept of natural law is easily stated. It incorporates the notion of an essential structure in man, as well as in other things, a structure derived from a creative act of God, and, as such, constitutive of man and things. It incorporates also the notion that man's mind is able to discover this structure at least with regard to its most important or basic characteristics. The first element is the ontological factor of natural law; the second, the gnoseological factor.[1]

The Ontological Aspect

This concept of natural law is as old as philosophy. It appears in Greek thought both popular and learned,[2] in Stoic philosophy, in the writings of Paul[1] and Augustine[2] and in practically every systematic exposition of morality and law down to the present time. Here we are concerned with some of the varying formulations of natural law in both its ontological and gnoseological aspects. This study will help us establish more clearly the relationship between situationism and natural law morality.

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[1] Cf. Jacques Maritain, Man and the State (Chicago: Phoenix Books, The University of Chicago Press, 1951), 84 ff.

[2] Sophocles' Antigone claims that "it was not Zeus that had published me that edict; not such are the laws set among men by the Justice who dwells with the gods below; nor deemed I that thy decrees were of such force; that a mortal could override the unwritten and unfailing statutes of heaven. For their life is not of to-day or yesterday, but

The Rationalistic Formulation. To begin with, there are two possible formulations of the concept of natural law in its ontological aspect.[3] These two basic formulations are intimately connected with two different

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from all time, and no man knows when they were first put forth." (Antigone ii. 452-460, trans. Sir Richard C. Jebb, Vol. 5 of The Great Books [54 vols.; Chicago: Encyclopaedia Britannica, 1952], 135).

Plato, in Gorgias 483-484 expresses the same concept of a law of nature: "Nature hereself intimates that it is just for the better to have more than the worse, the more powerful than the weaker; and in many ways she shows, among men as well as among animals, and indeed among whole cities and races, that justice consists in the superior ruling over and having more than the inferior . . . these are the men who act according to nature; yes, by Heaven, and according to the law of nature: not perhaps according to that artificial law, which we invent and impose upon our fellows. . . ." (Trans. Benjamin Jowett, Vol. 7 of The Great Books [54 vols.; Chicago: Encyclopaedia Britannica, 1952], 271-272).

[1] "It is not by hearing the law, but by doing it, that men will be justified before God. When Gentiles who do not possess the law carry out its precepts by the light of nature, then, although they have no law, they are their own law, for they display the effect of the law inscribed on their hearts." (Rom. 2:13-15).

[2] Augustine refers to it as "The law written in the hearts of men, which iniquity itself effaces not" (Confessions ii. 9, trans. Edward B. Pusey, Vol. 18 of The Great Books [54 vols.; Chicago: Encyclopaedia Britannica, 1952], p. 10), "that true inward righteousness which judgeth not according to custom, but out of the most rightful law of God Almighty . . . being the same always and everywhere" (Ibid., iii. 13, p. 16).

[3] Cf. Emil Brunner, The Divine Imperative, trans. Olive Wyon (Philadelphia: The Westminster Press, 1947), 628-633.

views of man's nature and also with two different views of the deity. The first view considers man's rationality as the distinctive aspect of his nature. Man's is a primarily rational nature. Man's nature, like any other created nature, rests ultimately on the divine essence, which in this view is considered primarily as static. To be sure, will and intellect are one in God, according to this view. But the divine creative will cannot act against reason; it is always an "ordered" will and power, always rational in its actions, and therefore it cannot fashion anything not resembling the divine essence.

It is because of this emphasis on rationality and stability that man's nature, in this view, is conceived also as basically unchangeable--for it must be forever grounded upon the unchangeable and eternal nature of God, the eternal law, a law that admits no disorder, mutation, or contradiction. Natural law, then, being a reflection of the eternal law, is likewise unchangeable, fixed, immutable. It is, as Plato recognized, both ontological and ideal, because it _is_ the nature of the human phenomenon and yet, at the same time, it constitutes an ideal order or structure for all human beings.

This order or structure is, in the human being as in anything else, what Maritain calls

> the _normality of its functioning_, the proper way in which, by reason of its specific construction, it demands to be put into action. . . . Confronted with any supposedly unknown gadget, be it a corkscrew or a peg-top or a calculating machine or an atom bomb, children or scientists, in their eagerness to discover how to use it, will not question the existence of that inner typical law.[1]

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[1] J. Maritain, _op. cit._, 86.

Given this "normality of functioning" inbuilt into the human structure, and given the evaluative notion that one must always use things, as far as possible, for the purposes for which they were constructed,[1] a moral obligation then follows by which man is called upon to conform his own free use of himself and others, (things and persons alike), to the inbuilt structure, to the normal way of functioning.

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[1] This "middle term" is inserted here deliberately, so as to anticipate the dangers of the "naturalistic fallacy," as Moore called it in his _Principia Ethica_ (Cambridge: Cambridge University Press, 1960), 10, the fallacy, that is, of deducing a prescription or obligation (an _ought_) from a non-prescriptive statement (an _is_, a statement of fact).

Ethicists have to be very careful about this fallacy. As Sartre claims in _Being and Nothingness_ (trans. Hazel E. Barnes. New York: Washington Square Press, Inc., 1966), 765, "Ontology itself cannot formulate ethical precepts. It is concerned solely with what is, and we cannot possibly derive imperatives from ontology's indicatives." Fletcher expresses the same view (_Situation Ethics_, 48): "We cannot build by logic a bridge from facts to values, from isness to oughtness." See also Richard Hare, _Freedom and Reason_ (New York: Galaxy Books, Oxford University Press, 1965), 16.

Hume had already called attention to this in his _Treatise on Human Nature_ III. I. 1, where he writes: "In every system of morality, which I have hitherto met with, I have always remark'd, that the author proceeds for some time in the ordinary way of reasoning, and establishes the being of a God, or makes observations concerning human affairs; when of a sudden I am surpriz'd to find, that instead of the usual copulations and propositions, _is_, and _is not_, I meet with no proposition which is not connected with an _ought_, or an _ought not_. This change is imperceptible; but is, however, of the last consequence. For as this _ought_, or _ought not_, expresses some new relation or affirmation, 'tis necessary that it shou'd be observ'd and explain'd; and at the same time that a reason should be given, for what seems altogether inconceivable, how this new relation can be a deduction from others, which are entirely different from it." (in Alardair Mac Intyre, ed., _Hume's Ethical Writings_ /New York: Macmillan, 1965/, p. 196).

As Richard Peters remarks in _Ethics and Education_, 27, "Hume is here asserting what is nowadays called the autonomy of ethics, which is the claim that no moral judgment can be deduced from any set of premises which does not itself contain a moral judgment or principle." The "middle term" inserted above is, precisely, this moral judgment or principle.

A further point should be brought up here. Natural law morality is often criticized in terms of its failure to avoid the "naturalistic fallacy." See, for instance, J. Pike, _op. cit_., 38 ff.; Niels H. Söe, "Natural Law and Social Ethics," in J. C. Bennett, _op. cit_., 290-294. However, as Abraham Edel remarks in _Ethical Judgment_ (New York: The Free Press of Glencoe, 1955), 74 ff., too much is often made of this logical confusion of trying to derive an _ought_ from an _is_. In many cases, careful examination will reveal what has happened is that the middle term containing the valuational premise has not been explicitated. This may not be, after all, such a fatal fallacy.

This is, precisely, what Gleason has in mind when he writes:

> Christian ethics has always insisted that the moral order is constructed upon the order of being, of existence. The ultimate norm for human conduct in the natural order is the being of man and ultimately the being of God, the absolute norm of perfection. Man's being, that is, his nature according to its constitutive elements and its essential relations to God, man and the universe, is the proximate norm for determining his moral activity. It is not the personal persuasion of the subject acting which is the decisive norm of ethical action. No one denies that the role of situation and circumstances is of considerable importance in moral decisions. But, again, this role is not to be determined by some mystical intuition of the subject. The particular circumstances of the action have their determined existence which can be known by the intelligence and norms drawn from them can be used in forming moral judgment.
>
> The new theory, while admitting the existence of universal laws, and even using them in the formation of a practical judgment, refuses to grant them the ultimately decisive role that they have played in traditional Christian ethics.[1]

Gleason, here, seems to be overstating his case for natural law morality. For, on the one hand, he seems to be saying that man's nature is the proximate norm for determining the morality of his actions while, at the same time, he seems to be claiming that the morality of man's actions is to be determined by reference to the established nature of things and circumstances--even though often the resultant activity may not be in man's best interests. In other words, he seems to be putting man and the things man uses on the same plane *quâ* natures--without realizing that man, in fact, is not on the same level with the rest of created nature precisely because he is man.

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[1] R. Gleason, *op. cit.*, 552.

It is because of this and similar considerations that Bishop Simons, in a modern exposition of natural law morality, has raised the same question though in slightly different terms:

> Can the purposes of an . . . act be simply equated with a moral obligation so that the two always coincide, or is there another criterion, one more directly and evidently of a moral order, which imposes on us the duty "to do good and to avoid evil," and which is really decisive in making known and imposing a moral obligation?[1]

And his answer is definitely that such is not the case. He states quite clearly that "our experimental approach to the question of the basis of natural moral law shows that we cannot easily accept the 'natural' or obvious purpose of . . . an act as an indication."[2]

Milhaven has raised the same question in terms of the knowledge of the purposes or structures of the things man purports to use, or the actions he desires to engage in. Most people, claims Milhaven, when making up their minds about a particular moral course of action, do not look first to the particular purpose of the thing or action in question, but, rather, to God's general purpose for man, and they measure the proposed action against it. It is not that they deny the existence of the former. Rather, it is that they have in mind something larger and more human. Instead of gauging the morality of the action by reference to the natural structure or purpose of it, they prefer to gauge its morality by reference man's structure and purpose.[1] In other words, man is never subordinated to a thing, nor is his overall purpose subordinated to the purpose of an act.

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[1] Francis Simons, "The Catholic Church and the New Morality," Cross Currents, XVI, No. 4 (Fall, 1966), 434. As is evident, the Bishop is arguing here from the point of view of the "naturalistic fallacy." See also Denis Hurley, "A New Moral Principle--When Rights and Duty Clash," Furrow, XVII (1966), 620-622; Robert H. Springer, S.J., "Notes on Moral Theology," Theological Studies, XXVIII, 2 (June, 1967), 308 ff.

[2] F. Simons, op. cit., 435.

Now, as Milhaven strongly implies by his statement, and as Bishop Simons explicitly states, the overpowering factor in natural law morality is the good and welfare of man, both individually and socially,[2] and this notion is, of course, broader than the bare concept of man's essence or structure. Here the moral or evaluative premise that bridges the chams between fact and value is no longer that one must always use things according to their purposes but, rather, that one must do what man's welfare demands. Bishop Simons puts it this way:

> It seems undeniable that the real basis of the natural moral law is the welfare of mankind.
>
> . . . .
>
> The criterion and goal of love, and of all natural law, is the good of man. All known moral laws have a direct bearing on the greater good of man, and man solves all his new moral problems by arguing from man's welfare. . . .[3]

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[1] John G. Milhaven, S.J., "Towards an Epistemology of Ethics," Theological Studies, XXVII, No. 2 (June, 1966), 229. See also Springer, op. cit., 310-311.

[2] "Another element will have to be taken into account and this seems to be the consideration of what the good or welfare of man--in society and individually--demands" (F. Simons, op. cit., 435).

[3] In this connection Maritain makes the point that man's essence or structure cannot be expected to contain the proper norm or regulation for every possible human situation that may arise. Man's nature, in

> By making the good of mankind the criterion of moral obligation, we bring morality, which otherwise seems to be hanging in the air, down to earth, and give it a reasonable, practical, convincing foundation. Any other basis--a revealed decalogue, or the structure of human nature, or a general consensus--seems to provide us only with fragments of the ever-expanding field of moral claims.[1]

This emphasis shifts the burden considerably from the factual concept of natural law to its human application in moral behavior, from the anxiety to conform one's actions to the purposes of each thing to the eagerness to use things for the purpose of enhancing man's total welfare.

Yet the shift of emphasis does not destroy the usefulness of natural law and the structures it encompasses. After all, it is by careful scrutiny of these inbuilt structures that one can wisely use things for the purposes of man's fulfillment. And where simple inspection of these structures does not reveal their purposes, then recourse must be had to the pragmatical and empirical tests in order to ascertain as much as possible their potential contribution to man's welfare.[2] The enlightened consensus of the knowledgeable can also be a good pointer, especially in

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other words, does not come with a set of particularized instructions. It is, rather, a point of reference. Maritain says that in every situation one asks questions of that essence, scrutinizes it, to see what its normal functioning is--and then decides. (J. Maritain, op. cit., 88). This distinction is necessary in order to safeguard the independence of ethics and avoid the naturalistic fallacy.

[1] F. Simons, op. cit., 436.

[2] "What is the nature of the further moral evidence for those acts where a simple understanding of what they are is not decisive? This epistemologist would suggest that such further evidence in the last analysis is always empirical. It is the evidence of the probable or certain consequences, of what is going to result from the act in question" (J. Milhaven, "Towards an Epistemology of Ethics," 235).

an age when communications are so readily available and problems encountered often so common.[1]

At this point one must note that this interpretation of natural moral law is not as removed and as foreign to the claims of the situationist as one might at first suspect. For, as situationism would claim, in this approach man is no longer subordinated to the immutable nature of things beyond his control, but, on the contrary, in a true Biblical sense,[2] he finds the universe at his feet for him to use for his own welfare and the Creator's praise.

A deep difference still remains, however, in that the natural law ethicist continues to maintain that the particular structures discernible in man as well as other things is intrinsic, that is, is unchangeably what it is, since it is unchangeably rooted in the divine essence which, in turn, must forever remain unchangeable. But this is by no means the only way of conceiving the notion of natural law. There is a second way of developing this notion, one which, again, is based upon a way of viewing man's nature as well as the nature of the deity.

The Voluntaristic Formulation. This second view considers man as primarily a volitional animal.[3] Endowed with reason, for sure, but basically a creature that must constantly choose, exercise its will, and thereby, in fashion not unlike the existentialist's concept of man, constantly create his own nature--as well as the very natural law itself.

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[1] In a letter to Time, December 23, 1966, p. 12, Bishop Simons indicated clearly that man's welfare is not constituted by the consensus, but that this "can be a useful pointer."

[2] Gen. 1:26-30.

[3] "The will either acts or it does not act, and it is not obliged to adopt either course, because the only total cause of willing is the will. The will therefore in its relation to the intellect has the last word. The movement of the intellect is relative only, whereas the will wills absolutely." (Silliam E. Carlo, "Duns Scotus, Contemporary Philosopher: The International Duns Scotus Congress," International Philosophical Quarterly, VII, 3 [September, 1967], 505).

Except for the constancy of a will in man, there is no definitively constant human nature, and there is no unalterably constant natural law. For the content of this law is dependent, continuously, on the changeable and often unforeseeable decisions and actions flowing from the will of man. This does not mean that man's will is irrational, or that man chooses without reason or against reason. The emphasis is rather on the fact that man's decisions form an integral part of the total content of "nature," and that therefore this content must of necessity remain largely dependent upon the vicissitudes and alterations consequent upon man's willfulness. While in the previous approach to natural law, the rational approach, the norms of natural law are considered to be determined, established, even before the advent of man in the scene, this second view considers the same norms as being themselves based, or at least dependent upon man's volitional act.

When this voluntaristic emphasis is transferred to the concept of the deity, the result, insofar as it concerns our purpose here, is startling. God's omnipotence is, in this view, "ordered" or tempered by reason only with regard to general laws applicable to several or all men. In respect of individuals, however, it is absolute. It depends solely on God's will.[1] God is not seen as not being able to create an absurdity but, rather, as not willing to do so. Of course, this does not mean that God can create anything not resembling or imitating His essence, or that He can create evil, or something utterly contradictory. It does mean, however, that no reason can be assigned for God's willing any particular thing to be, much less for its being in any particular way. From this point of view, then, things are not seen to be what they are because they could not have been otherwise given the essence of God, but because God has not willed them to be so, although, of course, he can create only what is an imitation of His essence. Again, this does not mean that God can absolutely will an absurdity. But it does mean that even if reason intervenes to determine whether or not a thing is absurd, i.e., not an imitation of God's essence, it is finally God's will that makes a thing be (in the sense of being created, existing) as it is, as well as be something specific. Whether a thing is or not, and what it is or is destined to become, depends ultimately on the will of the Creator.

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[1] "The opinions of Scotus lead to the doctrine that in God the will has primacy over the intellect, despite the extent to which these two intrinsic functions depend upon each other " (W. E. Carlo, op. cit., 505).

The consequence for morality is obvious. Every value derives directly from God's will. God assigns to each created entity its value in the scale of being, and things do have an assigned value. But this value depends on a divine act of will, not on a rationally established--and therefore immutable--relationship to the divine essence. In other words, outside of the infinite and immutable value of God's own will, every other value is finite and, of its very nature, mutable; and, moreover, its very relationship to the divine essence, as willed by God, is likewise mutable. The only unchangeable values among finite entities may, perhaps, be those that directly relate to God's dealings with man and man's dealings with

God, hatred of God being one such immutably forbidden act, and love of God one such immutably commanded act. But even this assertion would be difficult to substantiate.

However, with regard to the values that pertain to man's relationships with his fellow men and with the rest of creation, they would have to be considered as changeable--or at least as not immutable. Reason would be a tool for the discernment of the values that obtain in particular situations, and when enlightened by faith, it would serve as a "supernatural" eye that discovers the actions of God and the purposes of His dealings with men. But reason would not be considered as a norm, nor the structure of nature as definitively valid.

This voluntaristic approach originated with Augustine,[1] was developed in the Scotist philosophical tradition, and led eventually to the Nominalistic denial of the intrinsicality of values.

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[1] Commenting on Psalm 134 /135/, 6, "Whatever the Lord pleases he does," Augustine writes: "His will is the cause of everything he made. You build a house because if you did not you would remain homeless: necessity prompts you to build, not free will. . . . But God creates out of benevolence, not need. And hence, 'Whatever the Lord pleases he does'." (Enarrat. in Ps. 134; ML 37, 1745).

In other words, "God's will is the cause of all creation. But if God's will were said to have a cause, it would have an antecedent, something we must not believe" (De Gen. contra Manich. i. 2. 4; ML 34, 175).

This is, precisely, according to Augustine, what is meant by "omnipotence": "He is called almighty precisely because he is mighty to do all he wills" (De Civ. Dei xxi. 7. 1; ML 41, 719); "He does whatever he wills: this is omnipotence" (De Symbol. ad Catech. i. 2; ML 40, 627). In fact, the only limit of omnipotence is "unwillingness": "Only what the Almighty wills not is beyond his might" (Sermo 214, 3; ML 38, 1067).

In brief, Augustine can say that "the will and power of God is God himself" (Confess. vii. 4; ML 32, 736).

Augustine's and Scotus' views differ in some points from the account of voluntarism given here, since we have tried to present a statement that would include also the extreme views of Ockham. On Scotus' views see Frederick Copleston, S.J., A History of Philosophy (8 vols.; New York: Image Books, Doubleday, 1962-1967), Vol. 2, Part 2, 253-257, 268-274.

Now, this voluntaristic approach to natural law leads us to two important points that bear on the situationist's viewpoint. The first is the peculiar understanding of natural law as an _a posteriori_ context, that is, as encompassing man's willful decision.[1] In other words, the natural structure of things, actions, situations, is not seen as determined _a priori_, as a datum with which man has to grapple, but rather as an existential factor into whose very making man's willful decisions play a part. The second point, intimately connected with the first, refers to the disappearance of the _intrinsic_ character of natural law, and constitutes, basically, the nominalistic position. Things, actions, situations, cannot be said to _be_ good or bad, right or wrong, truthful or false; they acquire these labels in the process of becoming humanized, as it were, in the act of being willed by man.[2]

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[1] L. Dupré, _op. cit._, 246, notes hos for the situationist "the nature of a free being is exactly the opposite of an objective, given datum: it is subjective creativity." And again, p. 247: "The situationist refuses to accept objective rules of good and evil as absolutely valid because the moral intention cannot be determined exclusively by the objective structure of an act (even if this structure is correctly evaluated). Good and evil belong to the interior realm of freedom _before_ belonging to the objective expressions of freedom." Consequently, "Objective rules alone are insufficient to determine morality, since freedom always retains an absolutely unique element of subjectivity which cannot be circumscribed objectively."

From this point of view, there is an element of creativity--the "formal" element in Karl Rahner's "Formal Existential Ethics"--which must not be obliterated by any amount of objectivity. In Dupré's words, "Situation ethics brings out the often neglected element of creativity which should weigh heaviest in any moral theory." (L. Dupré, _op. cit._, 248).

[2] "An objective ethical system cannot do justice to the creative element in morality. Man must _seek_ what is right for him, and this search

As is clear, this is very much the situationist's point of view with regard to things, actions, situations.[1] Nothing can be labelled a priori good or bad, etc., because nothing is intrinsically, of its very nature, good or bad. Things and actions become good or bad only for the particular situation in question.[2]

This point has been brought up explicitly by Fletcher, who writes:

> There is an elementally important question at stake in the controversy about the new morality. We could put it this way: Is the choice between actions to be decided by a belief that the "good" is inherent in actions or only contingent? Is an action right or wrong intrinsically? Is its moral quality given in the nature of things, as legalists or absolutizers would say, or is it only good or evil according to the circumstances, as situationists and relativizers would say? This dispute goes all the way back in intellectual history to such controversies as the realist-nominalist debate in the Middle Ages. The intrinsic idea of moral quality, the realist theory, is Thomist; the extrinsic idea, the nominalistic theory, is Occamist. The really decisive question here is whether "value" is real or nominal. The new morality asserts that it is nominal--

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will never be finished. Right and wrong are not simply given. Even to say that he 'discovers' moral values is not sufficient if it implies that values pre-exist to his finding them. Moral values are never simply there; they are created in the moral act itself. What goodness is becomes clear only in good acts. Moral goodness exists only to the extent that people are actually good. Men of heroic virtue, therefore, are much more than examples; they are authentic creators of moral virtue." (L. Dupré, op. cit., 255).

[1] In this connection, precisely as opposed to the rationalistic approach, Fletcher embraces "theological positivism (or 'positive theology'), in which faith propositions are 'posited' or affirmed voluntaristically rather than rationalistically." (J. Fletcher, Situation Ethics, 47).

[2] Whether or not the value of a particular action in a particular situation remains so with regard to similar (in relevant respects) actions in similar situations for similar agents, is a question we will have to tackle in the following chapter.

> that good and evil or right and wrong are extrinsic, contingent, contextual.[1]

With Fletcher, therefore, this is the basic issue,[2] the basic point of separation between the legalist and the situationist, and this point is also made by others.[3] Fletcher definitely classes himself as a nominalist,[4] and takes, consequently, a very pragmatic attitude toward the adventitious character of value. He writes:

> There are no "values" in the sense of inherent goods--value is what happens to something when it happens to be useful

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[1] J. Fletcher, "Why 'New'?" Religion in Life, XXXV, No. 2 (Spring, 1966), 188. Elsewhere he writes: "As the old realist-nominalist debate recognized long ago, the question is: Is the moral quality or 'value' of a thing or action intrinsic or extrinsic, inherent or contingent? Is it 'in' a right or policy, or does it happen to it? . . . Are 'good,' 'evil,' 'right,' 'wrong' and so forth predicates or properties of personal and social actions? Do they happen or are they given?" ("Anglican Theology and the Ethics of Natural Law," 327-328).

[2] "The basic issue at stake between this situational ethic and the natural law theory is the locus of value. Wherein does the goodness or badness of an act lie? . . . What 'makes' a personal act or a social policy right or wrong, good or evil?" (J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 327).

[3] Gleason, for instance, writes: "Whereas to the Thomist the moral life was envisaged as a growth in stable virtues, according to fixed laws, to the Nominalist it was a series of decisive acts. Each individual decision of the moral personality thus takes on an interest that is decisive, and hence the exaggerated interest in determining the precise nature of each circumstance" (Situational Morality," 540). Gleason, however, is less than correct when he writes that the new morality "would insist that in a conflict between 'personal values' and a course of action declared intrinsically wrong, the just man will spontaneously perceive that the intrinsically evil action is permitted to him." (Ibid., 535). The point is, of course, that for the situationist this particular action would not be considered to be intrinsically wrong before man's engagement in it.

[4] "I as a nominalistic ethicist take a relativistic and pragmatic view, seeing right or wrong as predicates, but not as properties" (J. Fletcher, "Agreement and Disagreement," Commonweal, LXXXIII, No. 14 (January, 1966), 438).

> to love working for the sake of persons . . . values are only extrinsically, never intrinsically, "valuable."[1]

In this context pragmatism serves a very important purpose, that of complementing nominalism and its extrinsic theory of values. Without pragmatism, the recourse to nominalism as the ultimate, basic point of difference between legalistic natural law ethics and situationism would be inconsequential. For, unless one wanted to abandon completely any talk of moral behavior, one would still have to determine, in concrete cases, whether or not an action had been morally good or evil, and this would have to be done by reference to some objectifiable norm or criterion no matter what one held about the intrinsic character of the action in question. In other words, whether the goodness or badness of an action was intrinsic or extrinsic, one would still have to have recourse to some form of objective proof in order to show whether or not the particular action, as performed, was good or evil. Pragmatism provides the appropriate objectifiable set-up demanded by the open-endedness of nominalism.

But pragmatism itself is not enough, for it does not carry or contain within itself the norm or criterion on which to judge whether or not the effect or consequence produced, whose objectifiability pragmatism stresses, is in fact good or not.[1] Pragmatism, for Fletcher as well as for James, is primarily a method, not a substantive ethics. Of itself, writes Fletcher, pragmatism

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[1] J. Fletcher, Situation Ethics, 51. This statement is greatly reminiscent of William James' description of the pragmatist's conception of truth: "The truth of an idea is not a stagnant property inherent in it. Truth happens to an idea. It becomes true, is made true by events. Its verity is in fact an event, a process: the process namely of its verifying itself, its veri-fication. Its validity is the process of its valid-ation" (William James, Pragmatism. A New Name for Some Old Ways of Thinking, Lecture VI, reprinted in William James, Essays in Pragmatism, ed. Alburey Castell (New York: Hafner Publishing Co., 1948), 161).

> yields none of the norms we need to measure or verify the very success that pragmatism calls for! To be correct or right a thing--a thought or an action--must work. Yes. But work to what end, for what purpose, to satisfy what standard or ideal or norm? Like any other method, pragmatism as such is utterly without any way of answering this question.[2]

The answer to this question must be sought in whatever is posited or assumed to be the primary concern of human behavior, Kant's maxim of treating every human person as an end, Bishop Simons' concern for the welfare of man, the utilitarian's concern for the greatest happiness of the greatest number, the Christian's love for his fellow-men, or altruism. This point will be treated in detail in Chapter V.

The Intrinsic and the Objective. In the context of this discussion a further and final point must be brought forth, namely, the distinction between the intrinsic and the objective. This distinction, in the present context, grows out of situationism's rejection of intrinsic value--its nominalistic basis--and its acceptance of some form of guidance derived from laws and principles.

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[1] When Tillich writes that "The question of what kind of life creates ethical experience and what the standards of a true ethical experience are is not answered and cannot be answered within the context of pragmatic thought. Therefore, the pragmatists and the positivists take their refuge in an ethical instinct, that is supposed to lead to an ethical common sense. This refuge is secure as long as there is a society with a strong common belief and conventional morals maintained by the leading groups of society" (P. Tillich, Morality and Beyond, 85-86), he is pointing to this incompleteness of pragmatism. However, it does not necessarily follow thereby, as he seems to imply, that the "instinct" that supplies the criterion--the theonomous conscience of Lehmann--is altogether beyond the reach of objectification and universalization.

[2] J. Fletcher, Situation Ethics, 42. See also M. Singer, op. cit., 18-20.

The distinction between intrinsic and objective has been studied, among others, by G. E. Moore in his Philosophical Studies. Moore was struck by the confusion attending the use of both terms, for he found that people who used the term "objective" to refer to certain particular qualities of objects or situations often seemed to have in mind a claim of a different nature. The qualification of something as "objective," Moore found, was usually intended to mean that the particular quality in question was not merely a figment of someone's imagination, a purely psychological state of mind, something entirely "subjective." It was, on the contrary, a quality that could be verified by others, that was really *in* the thing in question, and could be ascertained to be so by others as well as by the subject making the claim. To say that something was "intrinsic," however, implied the stronger claim that the thing possessed the quality objectively *and*, moreover, that the quality was a part of the thing's very nature. In Moore's words:

> The truth is, I believe, that though, from the proposition that a particular kind of value is "intrinsic" it does follow that it must be "objective," the converse implication by no means holds, but on the contrary it is perfectly easy to conceive theories of, *e.g.*, "goodness," according to which goodness would, in the strictest sense, be "objective," and yet would not be "intrinsic." There is, therefore, a very important difference between the conception of "objectivity," and that which I will call "internality"; but yet, if I am not mistaken, when people talk about the "objectivity" of any kind of value, they almost always confuse the two.[1]

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[1] George E. Moore, *Philosophical Studies* (Totowa, N. J.: Littlefield, Adams & Co., 1965), 255.

Whether it be due to confusion or not, this seems to be the difference between the situationist and the natural law ethicist with regard to the validity of principles and laws.[1] The situationist, because of his nominalistic stance, denies the "internality" of any value--except the value of loving God and our fellow-men--yet accepts the "objectivity" of values, or at least would seem to do so. This would seem to be the meaning of Fletcher's words when he admits that some principles are generally valid.[2] By objectivity here is meant, simply, that the principles are open for inspection, that they can be demonstrated to hold, that they can be known by others, can become the object of their knowledge. But for some natural law ethicists this objectivity does not seem to go far enough.[3] Because, after all, a quality or value can be as objective as possible and yet, not being intrinsic, it can be changeable, and this might not be sufficient to uphold the notion of natural law.

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[1] This is basically the reason why Fletcher (Situation Ethics, 36, and passim) finds that Catholic approaches such as those by Karl Rahner, G. Gilleman, and Bernard Häring, do not go far enough: they still cling to the intrinsic nature of values and, consequently, to the primacy of law.

[2] Cf. J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 325. In his book William Temple, 148-149, 152, Fletcher seems to take cognizance of the distinction between "intrinsic" and "objective," but this distinction appears to be inaccurately drawn in Situation Ethics, 57-58, 64, and is never sufficiently developed.

[3] Cf. Charles E. Curran, in Letters to the Editor on the Fletcher-McCabe dialogue, Commonweal, LXXXIII, No. 19 (February, 1966), 581.

Yet objective does not necessarily mean capricious.[1] The denial of internality does not necessarily lead to utter subjectivity and chaotic moral behavior. The denial of internality, while allowing for the mutability of values, will, when coupled with the claim of objectivity, have practically the same results as the strictest natural law ethics. For the claims of objectivity are public claims, not claims locked within the sanctum of subjective intuitionism.[2] This is an important consideration, and we shall have to return to it in the next chapter. At present we must be satisfied by noting how these considerations help us fix, ever more accurately, the locus of situation ethics.

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[1] "What, then, becomes of Christian ethics, social or personal? Is it now simply a matter of 'intuition' or 'guidance' or 'spontaneity'? Certainly not." (J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 324).

[2] This objective-but-not-intrinsic approach is apparent, it seems to us, in McCabe's handling of the problem of absolute values. He writes: "Human action has significance in itself prior to any significance that may be given to it by what a man may have in mind when he does it--though this, of course, is also an important element in morals. Significance pertains in the first place to the community as a whole. I am saying this: Human acts have significance not the way stones have temperature but the way words have meaning. I cannot change the temperature of the stone just by taking thought, but neither can I change the meaning of a word just by taking thought, for it belongs to the language, not to me. Nor can I change the value of my behavior by taking thought, for its value is its meaning in the total system of communications which is the human world." (Herbert McCabe, "The Validity of Absolutes," Commonweal, LXXXIII, No. 14 (January, 1966), 434).

Words, McCabe admits, may have a purely subjective meaning, that is, whether I like them or not. But they have also a non-subjective meaning, that is, the meaning due to the role they play in the community. The values attached to behavior belong in this non-subjective realm. Such values cannot be considered intrinsic, since communities vary, and the meaning they attach to values in different times and circumstances also varies. But at least such values are objective in that they are public, in that they belong to the community, and are not altogether subject to the whim and fancy of each and every individual.

The Gnoseological Aspect

We must now dwell at least briefly on the second main aspect of the natural law concept, the gnoseological or cognitive factor demanded by this approach. For the claim that there is a fixed structure for every thing would be inconsequential unless man's mind were capable of discovering this structure and of ascertaining the normality of its function. Bishop Simons puts it this way:

> The question of the existence of a "natural" moral law is precisely the question whether there is a body of human obligations which does not have to appeal to a divine revelation but can be deduced[1] "from the nature of things" and appeal to everyone who has the welfare of mankind, and his own, at heart.[2]

Natural law is not a written law, and therefore it has to be discovered continually--or at least re-discovered, with regard to its concrete application. But the assumption made by the natural law ethicist is that this knowledge is possible to a degree, and can be had by normally constituted human beings. Describing the nature of this knowledge, Simons continues:

> As in other fields of human knowledge, there are degrees of reasonableness or intelligibility also in moral laws. Some are almost at once evident and have, therefore, been known

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[1] The "deductive model" in ethical reasoning does present certain difficulties, some of which are studied by Abraham Edel, Method in Ethical Theory (New York: The Bobbs-Merrill Co., 1963), 139 ff. This model, as we shall see, is not essential to natural law ethics.

[2] F. Simons, *op. cit.*, 429.

> by man, by his "conscience," nearly everywhere and at all times; on others a general consensus emerges only gradually, after much experience and thought, in an advanced state of development of man's knowledge and moral sense. Moreover, while some of man's duties or obligations, as expressed in general rules or laws, remain the same for all time, others change with man's changing needs and conditions.[1]

Two questions arise in this connection, one, the nature or quality of this moral knowledge; two, the interpretation of "conscience." We shall devote some consideration to these questions in the hope of clarifying still further situationism's position.

The nature of moral knowledge. The question of the nature of moral knowledge is an involved one, especially today. During the past sixty years a great number of views have appeared trying to explain this particular phenomenon. Emphasis has been placed on the social aspect of this knowledge, or on its rational aspect, deductive or inductive, or on its non-rational character, or even its emotive rather than cognitive content.[2]

There are two approaches that concern us here in particular, and they are the deductive and the inductive approaches, as well as the modern trend that minimizes the rational aspect of moral knowledge in favor of a more intuitionistic or non-rational character.

In very broad terms, the deductive approach begins from the universal axioms of natural law (or other assumed self-evident principles). Then, by means of a middle term that subsumes a more particularized practice or principle under the general norm, it reaches the concrete case which, then, in virtue of this established connection with the general axiom, is pronounced right or wrong, as the case may be. Basically, this is the path of the deductive syllogism.

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[1] Ibid., 432.

[2] A. Edel, Method in Ethical Theory, 139-159.

The inductive approach is structurally very similar to the foregoing, in that there is a passage from the more general, through a middle term, to the particular. But, to begin with, the general axiom is, for the most part, a generalization from experience, and as such does not have the unchangeable force of the self-evident principles in the deductive model. Second, the middle term may not be a logical or rational step at all; it may be established simply through experimentation or empirical observation.

The important thing to notice here is that, although both models "proceed" along similar lines, the force of the premises is, in each case, quite different. In the case of the deductive model this premise assumes an absolute power and validity, while in the case of the inductive model the inducted generalizations provide principles, never final or immutable, to be used as tools in the analysis of situations and the formation of decisions.

Now, this is, precisely, the basic difference we noted before between legalism and situationism.[1] Bishop Robinson puts it this way.

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[1] Bishop Pike expresses the same view when he writes: "Traditional systems of Code ethics, such as Thomistic moral theology, are divided into two main sections, general ethics and special ethics. The first part is devoted to general principles viewed as absolutes. The second part embodies subprinciples--also seen as absolutes--arranged according to various patterns of behavior.

Referring to the polarity or duality between the fixed and the free, between law and love, between authority and experience, he writes:

> Another way of putting this would be to state it as the difference between the transcendent and the immanent in Christian ethics, or between the deductive approach and the inductive. . . . there should be no suggestion on either side that one pole is being emphasized to the exclusion of the other. But each side starts from the opposite end and the apparent difference can be great and disconcerting.
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> The so-called "old morality" begins from the deductive, the transcendent and the authoritative. . . . It starts from Christian principles which are valid "without respect of persons," and then applies them to particular situations and persons. Each case must be considered on its own merits and classical deductive morality takes this very seriously. It is unfortunate that "casuistry" should have got such a bad name, because it suggests that the principle can only be made to fit the case by certain stretching and manipulation. That is not so, and the morality of authority seeks to do full justice to the facts of experience. . . . But, because it misses any clear-cut authority in the other approach, it easily detects in this loss a betrayal of the revealed, transcendental character of Christian morals.
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> But there is no such intention from the other side to betray this dimension. It simply starts from the other way in. It begins from the fact that, like all modern sciences, theology--and moral theology in particular--is to be understood as an inductive discipline. It proceeds empirically, from the particular to the general. It starts from persons rather than principles, from experienced relationships rather than revealed commandments. But it does not disclaim authority. Indeed, modern science has a high authority. Its authority, however, is of a different kind.
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> . . . .
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> This . . . I suspect . . . is probably the way in for Christian ethics today. For I believe that an ethic will

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"No such division is possible under the heading 'situation ethics.' Situation ethics is 'special ethics.' Not special in the sense that these are abiding principles for the various categories of conduct. Special in the sense that situation ethics takes account of the particular situation, the uniqueness of each human relationship, the distinctiveness of each person" (J. Pike, op. cit., 129).

> have authority for most of our generation only as it is empirical and starts firmly from the data of actual personal relationships as they now are.
>
> . . . .
>
> To accept the inductive point of departure is not for the Christian to be reduced simply to an ethic of discovery or to a self-contained humanism. For he believes that in the search is not only the moral education but the revelation. The Word of the Lord is there--yet not as a proposition but as a presence. The Christian goes in trusting that God is always in the situation before him and that if and as he genuinely gives himself in love he will find God--for God is love. . . . This trust is not the clear-cut confidence of the deductive ethic. Inevitably it appears less authoritative than that of "the old morality." . . . It is more tentative. Yet it carries a conviction of its own, the authority of honesty and integrity.[1]

The inductive approach is characteristic of the pragmatic method in ethics. It emphasizes the empirically verifiable consequences of behavior as these may obtain concretely, not as deduced from abstract principles. Morality, as Dewey would claim, "grows out of specific empirical facts." It does not accept considerations introduced, as it were, from above. On the contrary, it is "ineradicably empirical," and therefore "closest to human nature."

> Since it directly concerns human nature, everything that can be known of the human mind and body in physiology, medicine, anthropology, and psychology is pertinent to moral inquiry. Human nature exists and operates in an environment. And it is not "in" that environment as coins are in a box, but as a plant is in the sunlight and soil.[2]

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[1] John A. T. Robinson, Christian Morals Today (Philadelphia: The Westminster Press, 1964), 34-35, 37, 38-39.

[2] John Dewey, Human Nature and Conduct (New York: The Modern Library, 1957), 295-296.

Consequently, the nature of moral reasoning will be such as to enable all these various aspects or factual data from science and experience to be incorporated in the moral decision. Similarly, the various feelings, needs, wants, propensities of the individual, will have to be seriously considered as forming part of the situation. Deliberation or reflection will be of paramount importance, and it will be conceived as

> a dramatic rehearsal (in imagination) of various competing possible lines of action . . . an experiment in finding out what the various lines of possible action are really like . . . an experiment in making various combinations of selected elements of habits and impulses, to see what the resultant action would be like if it were entered upon.[1]

In consequence,

> Morals is not a catalogue of acts nor a set of rules to be applied like drugstore prescriptions or cook-book recipes. The need in morals is for specific methods of inquiry and of contrivance: Methods of inquiry to locate difficulties and evils; methods of contrivance to form plans to be used as working hypotheses in dealing with them. And the pragmatic import of the logic of individualized situations, each having its own irreplaceable good and principle, is to transfer the attention of theory from preoccupation with general conceptions to the problem of developing effective methods of inquiry.[2]

Now, this is, precisely, what Fletcher has in mind when he criticizes the deductive, "traditional" model of ethical reflection in terms of its having produced "a bed of Procrustes onto which the decisions of life had to be forced and cut to fit the bed's iron shape and size." The inductive approach, on the other hand--or, as he calls it, "The pragmatic-empirical temper of situation ethics"--differs radically from the legalist's model.

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[1] J. Dewey, ibid., 190.

[2] John Dewey, Reconstruction in Philosophy (New York: Mentor Books, 1950), 136-137.

> It focuses on cases and tries experientially, not propositionally, to adduce, not deduce, some "general" ideas to be held only tentatively and lightly. It deals with cases in their contextual particularity, deferring in fear and trembling only to the rule of love. Situation ethics keeps principles sternly in their place, in the role of advisers without veto power![1]

To sum up, then, the two basic models of approach to the knowledge of the "nature" of things and situations, the deductive and the inductive, correspond generally to the two basic conceptions of natural law, the rational or legalistic and the voluntaristic or pragmatic. In fact, each of these two methods of moral reasoning are intimately connected with the basically different ways of conceiving the content of natural law. For if the axioms and maxims are understood to be unchangeable, then their application to the concrete situation can take place only through some form of deduction, through application of universal rules to particular actions. On the other hand, if the moral premises are understood to be simply generalizations empirically derived, and of their nature changeable (except the sole prescription of love or altruism), then an inductive process of reflection and examination of consequences has to be applied in an effort to keep the generalizations flexible, always in line with the changing situation, always cognizant of the differences of agents, times, and circumstances.

But a further question arises here. On what grounds can an ethicist claim, as he must within the context of natural law, that his mind or reason is capable of determining what the essence of man is--in other words, what the content of natural law is made of? Söe presents this difficulty clearly and succintly:

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[1] J. Fletcher, Situation Ethics, 54-55.

> What entitles a Christian philosopher to think that his ratio is able to penetrate to the very essence of humanity? What leads him to conclude that he is able to perceive and acknowledge the true values and distinguish them rightly from the false? We who are familiar today with the different ideas and ideals of humanity in different cultural and historical settings, see this question as a very urgent one. It was nothing less than a crisis in our European culture when it became evident, from about the time of John Locke, that moral ideals which had hitherto been regarded as the given content of natural law could no longer claim a consensus omnium, but were a product of a definite historical development in which elements from Greece and Palestine, from Roman stoicism and Roman law, had been combined. Why the more or less Christian ideals of humanity, and not those of Buddhism or Confucianism or the so-called primitive society?[1]

The problem, in other words, is this. Granted that there may be a constant nature of man, a normality of functioning belonging to his very essence, of what use is it if it cannot be known? The natural law ethicist makes the assumption that this nature can be known, at least sufficiently, by anyone possessing a normally developed intelligence. But the data accumulated through anthropological studies seem to negate this assumption. If the assumption were true, then a nature belonging to all men would have to be at least generally known, and consequently, its precepts would have to be generally similar. But the contrary seems to be the case. Cultural relativity rather than similarity seems to be the prevailing form of morality.[1]

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[1] N. Söe, op. cit., 294.

In order to counter this particular difficulty, advocates of natural law morality have had to either stretch the discoverable similarities in the apprehension of structures, or revise their notion of knowledge of the natural law. This second alternative, which is the one that interests us here, has meant that an over-rationalistic understanding of the gnoseological element in natural law morality has had to be abandoned in favor of a more intuitional view, a "moral sense," as Simons calls it.[2]

This second interpretation is the one favored by Maritain in his study of natural law especially in Man and the State. First of all, the manner in which man discovers the elements of natural law is not strictly speaking conceptual, a veritable exercise of discursive reasoning.

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[1] Fletcher, for instance, writes: "This is the heart of the problem--in the natural law theory of ethical knowledge we can postulate the presence of right and wrong objectively in the nature of things, de rerum natura, if we appreciate that kind of metaphysics. But this does not entitle us to claim that we possess such 'values' cognitively. Such epistemological complacency has become impossible since the establishment of cultural relativism. . . . We may believe (heuristically postulate) 'natural laws,' but we cannot pretend to know them as universals or as universally obligatory. The natural law may persist as an ontological affirmation, but it is dead as an epistemological doctrine" ("Anglican Theology and the Ethics of Natural Law," 323). See also Situation Ethics, 76.

[2] F. Simons, op. cit., 429. Söe links this "sense" with moral intuitionism: "Certain 'values' reveal themselves to every sincere and unsophisticated human being, in such a way that they claim our acknowledgment and obedience. We know that we are obliged to strive for their realization. In modern terms we call this view moral intuitionism. More traditionally we speak of conscience as the 'place' where the moral obligation is felt" (N. Söe, op. cit., 293).

Maritain bases his interpretation on a careful reading of Aquinas. Writing about law and its various acceptations, Aquinas draws a parallel between the mode of operation of the speculative reason and that of the practical reason. Both proceed, he says, from self-evident principles, from naturally known, general, indemonstrable principles, to conclusions.[1] This means, in effect, that the same intuitive character that belongs to the apprehension of self-evident principles (of the speculative intellect) belongs also to the apprehension of the first principles of natural law (by the practical intellect).[2] The most basic and elemental content of natural law, then, refers only to "those things to which man has a natural inclination,"[3] things to which nature inclines at first;[4] such a content, of course, is not known by a demonstrative process. Consequently, the primal intellectual awareness of the basic content of natural law is "naturally apprehended"[5] in much the same intuitive or direct manner in which the self-evident principles of reason are said to be known. This, of course, does not mean that further conceptual knowledge cannot be had "through the inquiry of reason"[6] or as a conclusion from those first principles.[7] The burden of this analysis is that the most basic and fundamental knowledge of the natural law is not primarily of a rational type but, rather, of a non-rational or intuitive type.

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[1] Thomas Aquinas, Summa Theologica, I-II, 90, 3c.

[2] Ibid., 94, 2c.

[3] Ibid.

[4] Ibid., 94, 3c.

[5] Ibid., 94, 2c.

[6] Ibid., 94, 3c.

[7] Ibid., 94, 4c.

Summarizing the result of his analysis, Maritain goes on to say that man

> does not discover the regulations of natural law . . . through the conceptual exercise of the intellect, or by way of rational knowledge. I think that Thomas Aquinas' teaching, here, should be understood in a much deeper and more precise fashion than is usual. When he says that human reason discovers the regulations of natural law through the guidance of the *inclinations* of human nature, he means that the very mode or manner in which human reason knows natural law is not rational knowledge, but knowledge *through inclination*. That kind of knowledge is not clear knowledge through concepts and conceptual judgments; it is obscure, unsystematic, vital knowledge by connaturality or congeniality, in which the intellect, in order to bear judgment, consults and listens to the inner melody that the vibrating strings of abiding tendencies make present in the subject.[1]

Now, this approach, which Maritain shares with other philosophers and jurists,[2] places the gnoseological factor in the concept of natural law squarely within the idea of the theonomous conscience, the kind of God-attuned awareness or sensitivity, described by Lehmann as the means for discovering the purposes of God's actions within the Christian koinonia.

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[1] J. Maritain, *op. cit.*, 91-92.

[2] Cf. Paul Ramsey, *Nine Modern Moralists* (Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1962), 209-256; Karl Rahner, "On the Question of a Formal Existential Ethics," 228.

John Reed, in "Natural Law, Theology, and the Church," *Theological Studies*, XXVI (1965), 45, writes: "For many decades now, natural-law discourse has been conducted . . . not in terms of absolute, immutable essences or natures, but in terms of order, finality, and relationships in the dynamic operations of life, and the problem has been situated in the determination of the varying applications of a relatively small number of basic principles in a constantly changing environment, rather than in the supposition of a complete and detailed compilation of 'laws' already fixed and permanent. The immutability of the natural law is very relative."

Elsewhere Maritain himself writes: "The genuine concept of Natural Law is the concept of a law which is natural not only insofar as it expresses the normality of functioning of human nature, but also insofar as it is naturally known, that is, known through inclination or connaturality, not through conceptual knowledge and by way of reasoning." (Jacques Maritain, *The Range of Reason* [New York: Charles Scribner's Sons, 1952], p. 26).

But this is not all. For is the manner in which the basic content of natural law is known is not discursive, neither is the form of this knowledge abstract and theoretical, "as a series of geometrical theorems." In other words, the proper form of the basic knowledge of natural law is not that of punctilious judicial prescriptions, a connotation already present in the very term "law." It is, rather, the very loose, unstructured, unsystematic constant that is observable through the ages starting from the most ancient social communities.[1]

For us, looking back on the history of mankind as far as we may go, the determination of this knowledge cannot be made a priori. It is primarily empirical. That content of natural law alone may be considered genuinely natural which, from an empirical point of view, can be seen to have guided man in becoming aware, little by little, of what most naturally and vitally belongs to his welfare, individual and social. But this content is still unfinished.

Hence the differences discovered by cultural anthropology are of no great consequence, and do not undermine this understanding of natural law--even in its epistemological aspect.[1] In Maritain's words:

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[1] Nature, says L. Dupré, op. cit., 256, "can provide only general norms and some negative concrete precepts." And again, p. 257: "None but the most general (and, I think, negative) precepts can ever be safely said to belong to the moral law of nature."

> All the previous remarks may help us to understand why, on the one hand, a careful examination of the data of anthropology would show that the fundamental dynamic schemes of natural law, if they are understood in their authentic, that is, still undetermined meaning . . . are subject to a much more universal awareness--everywhere and in every time--than would appear to a superficial glance; and why, on the other hand, an immense amount of relativity and variability is to be found in the particular rules, customs, and standards in which, among all peoples of the earth, human reason has expressed its knowledge even of the most basic aspects of natural law: for, as I pointed outabove, that spontaneous knowledge does not bear on moral regulations conceptually discovered and rationally deduced, but on moral regulations known through inclination, and, at the start, on general tendential forms or frameworks, I just said on dynamic schemes of moral regulations, such as can be obtained by the first, "primitive" achievements of knowledge through inclination. And in such tendential frameworks or dynamic schemes many various, still defective contents can occur.[2]

If all this is true, then the concept of natural law, in its gnoseological as well as its ontological aspect, is not too far removed from the situationist's point of view. For the inductive approach as well as the non-rational, connatural awareness of the basic dynamic schemes of human behavior, seem to fall with great ease within the framework of situational ethics. But before we express a more definite opinion, a further point must be discussed here, namely, the concept of conscience.

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[1] Cf. J. Milhaven and D. Casey, "Introduction to the Theological Background of the New Morality," 200.

L. Dupré, *op. cit.*, 251, agrees with Maritain in stating that "Human nature remains *basically* identical and, consequently, that its most *fundamental* principles are absolutely universal. But these principles are to be specified in a number of particular precepts, and if the moral law is the law of a dynamic, self-creating being, most of its particular precepts cannot be fixed once and forever."

Consequently, there is an essential distinction between an absolute and a relative element in the concept of natural law. Cf. E. Brunner, *op. cit.*, 628 ff. Thomas Aquinas, in his treatise *De Malo* 2, 4, *ad* 13, expresses it this way: "The just and the good . . . are formally and everywhere the same, because the principles of right in natural reason do not change. . . . Taken in the material sense, they are not the same everywhere and for all men, and this is so by reason of the mutability of man's nature and the diverse conditions in which men and things find themselves in different environments and times."

[2] J. Maritain, *Man and the State*, 93. The type of distinction introduced here between the unstructured and almost universal knowledge through inclination and the further moral regulations conceptually derived from the

Conscience. If we remain for a moment within the context of Maritain's explanation of natural law and its knowledge, the meaning of the term "conscience" may be easily clarified. Briefly, "conscience" has to be interpreted as a two-dimensional reality, and therefore as a term having a twofold meaning. The first level refers to the "knowledge through inclination" of which Maritain speaks; the second level is that of moral judgment.[1] It is, therefore, misleading and open to confusion

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primal dynamic schemes, is parallel to that introduced by Rudolf Otto in Das Heilige between the primordial, non-rational awareness of the holy (das numinose Gefühl), whose characteristics are universally valid, and the rational or conceptual schematizations or categorizations so much at variance among themselves. See Rudolf Otto, The Idea of the Holy, tr. John W. Harvey (New York: Galaxy Books, Oxford University Press, 1958).

[1] Webster's New International Dictionary, 2nd ed., under "synteresis," makes the distinction explicity: Synteresis means "Habitual . . . knowledge of the primary principles of moral action. It differs from conscience in that the latter is a practical judgment or dictate of reason regarding the right or wrong of a particular action."

In this connection see J. Maritain, The Range of Reason, 26-29. This distinction is similar to that between direct and reflex conscience. Cf. M. Zalba, op. cit., I, Nos. 640-643.

Dewey draws the same distinction between valuing and evaluating, between prizing and apprasing, esteeming and estimating. "In prizing, /he writes/ emphasis falls upon something having definite personal reference, which, like all activities of distinctively personal reference, has to use just one term, "conscience," to designate these two levels of dimensions.

Aquinas makes this distinction clear by dividing his treatment of moral knowledge, as an exercise of the practical judgment, into two parts, the discussion of syntêresis, corresponding to Maritain's first level, and that of "conscience" proper, syneidêsis, corresponding to Maritain's second level.

For Aquinas, the syntêresis is a sort of natural habit, that is, a permanent, enduring, "habitual" awareness of what belongs to man's welfare. In other words, it is not acquired but natural, and it is not rational knowledge but "connatural awareness."

> The first practical principles /he writes/, bestowed on us by nature, do not belong to a special power, but to a special

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an aspectual quality called emotional. Valuation as appraisal, however, is primarily concerned with a relational property of objects so that an intellectual aspect is uppermost." (John Dewey, Theory of Valuation, Vol. II, No. 4 of International Encyclopedia of Unified Science, ed. Otto Neurath /Chicago: The University of Chicago, 1939/, 5).

Elsewhere he writes: "To esteem is to prize, hold dear, admire, approve; to estimate is to measure in intellectual fashion. One is direct, spontaneous; the other is reflex, reflective." (J. Dewey and J. Tufts, Ethics, 291). Consequently, he can state that "in every case where reflective activity ensues, there is a process of intellectualizing what at first is merely an emotional quality of the whole situation" (John Dewey, How We Think /Boston: D. C. Heath & Co., 1933/, 109).

Karl Rahner, in his essay "On the Question of a Formal Existential Ethics," 229, draws the same distinction when he says: "There must be some function of conscience which does not merely apply the universal norms to each of my particular situations but which moreover grasps also what has not yet been made absolutely clear by the situation and the universal norms, and which is precisely and as such what has to be done by me individually. And in saying this, we have indeed named an essential, basic function of conscience, which is for the most part overlooked by the usual scholastic ethics."

See also P. Tillich, Morality and Beyond, 66, 70-71.

> natural habit, which we call synderesis. And so synderesis is said to stir up to good, and to murmur at evil.[1]

Beyond this, however, is "conscience proper," the actual moral judgment of the practical reason. Here we no longer speak of a habit but of an act, the specific act of "knowing in relation to something," "the application of knowledge to something."[2] In this second sense, "conscience," syneidêsis, as the etymology of the word denotes, is the actualization of the habitual, natural knowledge in a particular situation. It is the actual exercise of the habit.

Now, it should be noted that in this interpretation there is no talk of conscience as a faculty, a misinterpretation of Aquinas' way of talking often imputed to him. For syntêresis, the natural habit, is not a faculty but simply what it says, a habit, a constant way for human nature to work. One might say that in Aquinas' and Maritain's view syntêresis is the normal and habitual and instinctive reaction of man to what, in a non-rational, instinctive awareness, appears to be good or evil.[3]

The distinction developed so far is of some importance because the two levels are emphasized by situationists in their writings depending on the aspect they are trying to make clear. Thus, for instance,

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[1] Summa Theologica, I, 79, 12c,; De Veritate, 16, 1.

[2] Summa Theologica, I, 79, 13c.

[3] Accordingly, when Fletcher, for instance, writes that "Thomas Aquinas' description [of conscience] is the best (leaving aside his faculty idea)" (Situation Ethics, 53), he is misconstruing Aquinas' analysis.

Fletcher is referring to conscience proper or syneidêsis when he states that "Situation ethics is interested in conscience (moral consciousness) as a function, not as a faculty."[1] And elsewhere he writes: "'Conscience' is merely a word for our attempts to make decisions creatively, constructively, fittingly."[2]

Here the use of conscience as syneidêsis is but an application of the pragmatic character of the situationist's method. The pragmatic method in morals demands this reflection,[3] since intelligent moral action

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[1] Ibid., 52.

[2] Ibid., 53.

[3] A. Edel, in Ethical Judgment, 57, writes: "Some philosophers, recognizing that consistency in ethical judgment means more than purely logical consistency, have tried to develop explicitly a notion of pragmatic consistency. The additional element is the demand that in ethical judgment one be far-sighted rather than simply think of the moment, that one's whole life weigh as much in deliberation as the present or nearer future, that one's attitude be serious rather than drifting, that life be oriented to avoid having anything to regret."

But this pragmatic consistency cannot depend purely on the means/end structure of human actions. The means/end structure, as such, being essentially an unending succession of related finalities, with never an absolute finality in view, cannot provide a directive norm endowed with any veritable consistency. The means/end structure is risky, a fact that Dewey was quick to detect. Writing in Democracy and Education (New York: The Macmillan Co., 1964), 148, he points out how "The invasion of the unknown is of the nature of an adventure; we cannot be sure in advance. The conclusions of thinking, till confirmed by the event, are, accordingly, more or less tentative or hypothetical. Their dogmatic assertion as final is unwarranted, short of the issue, in fact." The point is that, within the means/end pragmatic structure, there is never an issue, in fact.

The only kind of consistency possible within pragmatism is of a different nature. It refers to character, as Edel Points out, to some sort of utilitarian concern, regard for others' interests. Dewey, again, did not overlook this factor. Writing in his Ethics, 265, he categorically states: "It is true, on one hand, that the ultimate standard for judgment of acts is their objective consequences; the outcome constitutes requires the consideration of possible alternatives, different outcomes, and so on.[1] This concern can be found also in more traditional statements, where it may be called the practical reason making moral judgments, or, as Fletcher himself speaks of it, "the reason making moral judgments."[2]

But whatever the description, the emphasis of the pragmatic method is clearly on the prospective character of conscience as *syneidêsis*, the concern with the morality of a future action rather than with *post factum* reckoning. For Fletcher, no doubt, this is one of the features of situation ethics, "its concern with antecedent rather than consequent conscience, i.e., with prospective decision-making rather than with retrospective judgment-passing."[3]

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the meaning of an act. But it is equally true that the warrant for correctness of judgment and for power of judgment to operate as an influence in conduct lies in the intrinsic make-up of character; it would be safer to trust a man of a kind and honest disposition without much ability in calculation than it would a man having great power of foresight of the future who was malicious and insincere."

[1] Dewey, for instance, writes: "The spontaneous 'intuitions' of value have to be entertained subject to correction, to confirmation and revision, by personal observation of consequences and cross-questioning of their quality and scope." And he continues: "The usual name for this process is deliberation; the name given moral deliberativeness when it is habitual is conscientiousness." (*Ethics*, 300). And again: "The important thing about knowledge in its moral aspect is not its actual content so much as it is the *will* to know--the active desire to examine conduct in its bearing upon the general good." (*Ibid*., 311).

This account of conscience, emphasizing the growth in awareness and consciousness of what is at first primarily intuitive, is fairly common in psychology and educational philosophy. Besides Dewey, whom we have quoted above, see Gordon W. Allport, *Becoming* (New Haven: Yale University Press, 1955), 68-69, 72; Richard S. Peters, *Authority, Responsibility and Education* (London: George Allen & Unwin, Ltd., 1963), 30-31.

[2] J. Fletcher, *Situation Ethics*, 53.

[3] *Ibid*., 54; also p. 153.

So that, paraphrasing Sartre's "Man is freedom," he can conclude emphatically that "existence not only demands decisions, it is decision. . . . What the Christian situationist does . . . is to decide for love's sake, not law's sake."[1]

Now, Fletcher nowhere seems to consider the retrospective or judgment-passing aspect of conscience as syneidêsis. Conscience, for him, seems to be always forward-looking, so that one wonders whether conscience is ever aware of the continuities of human existence, a continuity which Fletcher maintains he upholds as against the radical discontinuity of the antinomians.

Fletcher's approach, in consonance with its avowed pragmatism, is, as Ramsey remarks, "an ethic of deliberation uber alles."[2] Now, this in itself, is not a matter for criticism except in so far as it becomes exclusive, the only function of conscience. But this, as Ramsey notes, may be precisely the fundamental mistake of Fletcher's situationism, "his supposition that Christian ethics is always only a 'teleological' or goal-aspiring ethics."[3]

The exclusiveness of this prospective aspect of conscience as syneidêsis presents three main problems which Ramsey is quick to note in his examination of Fletcher's situationism.

In the first place, if there were no retrospection, however minimal, one could never know whether what one had done was right or wrong, since the determination of the adventitious character of rightness or wrongness would always depend on something else to be done in the future, and so on *ad infinitum*.[1]

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[1] Ibid., 154.

[2] P. Ramsey, Deeds and Rules in Christian Ethics, 177.

[3] Ibid., 178; also p. 187.

Secondly, the overemphasis on prospection would place the whole of life within a means/ends structure which, in fact, cannot be said to apply universally to all that is meaningful in human life. Means, no doubt, derive their meaning from ends. But this does not mean that everything in human life is a means, and consequently, not everything in human life can be viewed through the prospective eye of conscience as _syneidêsis_. As Ramsey puts it, moral realities like human actions, behavior, activities, relations, moral bonds, covenants of life with life, the good in law and institutions, the good life in community and in daily communication,

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[1] *Ibid.*, 184, 188, 189. From this point of view, Ramsey adds, one could commit anything "because the sole question to be asked of every proposed act, or line of action, is whether it can be believed that it will *accomplish* something. Fletcher is simply an old-fashioned *consequentialist*." (*Ibid.*, 178).

Cf. also H. McCabe, "The Total Context," *Commonweal*, LXXXIII, No. 14 (January, 1966), 439.

Fletcher would seem to agree to this. In conventional terms, he writes, "situation ethics is closer to teleology, no doubt." (*Situation Ethics*, 96). By this he means "*goal* or aspiration ethics, said to be concerned with realizing the good more and more." (*Ibid.*)

On this point see William K. Frankena, "Love and Principle in Christian Ethics," in Alvin Plantinga (ed.), *Faith and Philosophy* (Grand Rapids, Michigan: W. B. Eerdmans Publishing Co., 1964), 207-208.

It must be noted here that Fletcher holds the type of consistency which, as we noted above, cannot be defended. On this point see also Bertrand Russell, *A History of Western Philosophy* (New York: Simon and Schuster, Inc., 1945), 824-825.

Fletcher's is, precisely, the type of pragmatic consistency which, as we noted above, cannot be defended. On this point see also Bertrand Russell, *ibid.*, 824-825.

Unless one adopt some form of character-consistency (as Dewey does, but Fletcher doesn't), the result cannot but be some form of subjectivism. In this connection Lord Russell's words seem opportune: "In all this I feel a grave danger, the danger of what might be called cosmic impiety. The concept of 'truth' as something dependent upon facts largely outside human control has been one of the ways in which philosophy hitherto has inculcated the necessary element of humility. When this check upon pride is removed, a further step is taken on the road towards a certain kind of madness--the intoxication of power which invaded philosophy with Fichte, and to which modern men, whether philosophers or not, are prone. I am persuaded that this intoxication is the greatest danger of our time, and that any philosophy which, however unintentionally, contributes to it is increasing the danger of vast social disaster." (*Ibid.*, 828).

> do not, or do not always, or do not to the whole extent of their being, fall under any means-end way of apprehending the structure of human action. They point, rather, to the good-_of_ selves, not to the good-_for_.[1]

In the third place, Fletcher's overemphasis on the prospective character of conscience would make sense _only if_ everything were intrinsically a means toward an end. But Fletcher, in fact, rejects intrinsicalism of any and every sort.[2]

In conclusion, it becomes very difficult to see how the exclusiveness of the prospective character of conscience as _syneidêsis_, can be justified at all. Yet we do not find any other aspect discussed. Fletcher does not even concern himself with the reality of conscience as _syntêresis_, a consideration, one would imagine, that would be of considerable importance within his situational scheme.[3]

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[1] P. Ramsey, _Deeds and Rules in Christian Ethics_, 191-192; also pp. 183, 185, 186.

[2] _Ibid._, 181.

[3] In _Situation Ethics_, 53 footnote 22, Fletcher mentions _syntêresis_ only to remark that Aquinas "tied conscience to a faculty, synteresis," a double mistake, as we have tried to point out. The same is repeated on p. 24.

But there may be another reason for his rejection or neglect of conscience as _syntêresis_. In _Situation Ethics_, 23-24, he discusses as one of the manifestations of antinomianism the gnostic trends present in early Christianity among the so-called _pneumatikoi_, "who claimed that _their_ guidance came from outside themselves, by the Holy Spirit. Of what use are principles and laws when you can depend on the Holy

Lehmann, on the other hand, tackles the issue of conscience in great detail. After careful study of the meaning of conscience in Greek tradition and philosophy,[1] and after a brief exposition of Aquinas' distinction between syntêresis and syneidêsis,[2] he goes on to explore the meaning of the Old Testament notion of heart as one intimately connected with the question of conscience.[3] This discussion is important because,

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Spirit? It was a kind of special-providence idea; a version of the inspiration theory of conscience. Other antinomians claimed, and still do, that their guidance comes from within themselves, as a sort of built-in radarlike 'faculty,' a translegal or clairvoyant conscience. . . . This second and more common form of Gnostic antinomianism, found among both Christians and non-Christians, is close to the intuition theory or faculty theory of conscience." (Emphasis added).

Now, in the first place pneumatikoi never has a pejorative connotation like the one implied by Fletcher. Paul's distinction between psychikoi and pneumatikoi seems to mislead Fletcher into false statements regarding the troubles at Corinth.

In the second place, while the first group of antinomians mentioned by Fletcher in the passage quoted above were reprimanded by Paul in that they spurned laws and example and charity, and in that they justified this behavior by reference to their conscience (syneidêsis) and the guidance of the Spirit, there is no evidence or justification whatsoever for saying either that Paul condemned the guidance of the Spirit or that the "translegal or clairvoyant conscience" (syntêresis) must lead to antinomianism or is a faculty. On both counts Fletcher is sadly ignorant of the development of the "Christian" conscience (syntêresis) as distinctly a "knowing from the heart" (in the Hebrew sense), or as the knowledge (gnosis) of God's mystery, Christ, possible only by faith and the possession of the Spirit, and leading to "life in Christ" and the theopoiesis.

Briefly, there was, indeed, an antinomian gnosis, but there was, also, an orthodox gnosis, the understanding of which requires that more careful attention be paid to the meaning of conscience as "heart" and syntêresis, as well as to discernment of the different inspirations.

[1] P. Lehmann, op. cit., 328-330.

[2] Ibid., 330-332.

[3] Ibid., 352-354. The heart, says Lehmann, p. 353, "knows by a kind of sensitivity at once central and total."

as he shows, Paul introduces both the Biblical and the Greek notions into his elaboration of the meaning of conscience.

Dwelling on conscience as syneidêsis, he points out that the very etymology of the word expresses a relation of some kind, so that conscience, at least etymologically, means "a knowing-in-relation," and requires a bond or bridge between the two terms of the relation.[1]

In Lehmann's view, conscience, generally, has been thought to be the bond between man's knowledge of good and evil and his free action. But so far conscience has failed to relate these two terms successfully because it has been isolated from the context in which Christian man has to posit his moral acts, the Christian community or koinonia. Moreover, conscience has not been viewed as in reality it is, i.e., as theonomous. But if both these considerations are introduced, then conscience can be given back its full meaning, and can retain its place of importance in Christian ethics.

In detail, Lehmann's explanation is as follows. Good and evil, for the Christian, is not "purely ethical," but is simply determined by what God is doing in the koinonia to keep human life more human.[2] To identify with God's purposes and actions is "good," not to do so willingly and knowingly, is "evil." Hence the importance of the *koinonia* as the context of Christian ethical decision and behavior.

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[1] Ibid., 348.

[2] "The moral predicament of man is to continually determine the locus of God's humanizing of the world and enter appropriately into its currents. The maturity which the goal of this humanization is the achievement of personality through self-giving. The individual grows into Christian maturity by joining with God to form a world where the conditions of such maturity are present to all men. The work of the Christian koinonia is the work of love." (J. Milhaven and D. Casey, "Introduction to the Theological Background of the New Morality," 229).

Now, God's purposes, his actions to keep human life human, are "known" by the Christian not as the result of a rational search after the Good, abstract and general, nor as the outcome of a careful examination of consequences. In other words, *for the Christian*, the knowledge of good and evil is not primarily the task of conscience as *syneidêsis* but, rather--and this is what Paul, as Lehmann shows, is trying to tell the Corinthians--it is the result of a knowledge through inclination, the task of conscience as *syntêresis*, or, in Lehmann's terminology, the function of the *theonomous* conscience. Christian conscience, in brief, can be discriminating, knowledgeable, *syneidêsis*, but, primarily it is *syntêresis*, *heart*: it can be both ethical and mystical, but primarily it is *theonomous*.[1] And it is precisely *as theonomous* that it can function as ethical.

Finally, conscience, as *theonomous*, is not bound by the law. It conforms to the good, i.e., God's actions in the *koinonia*, but it does so in free obedience to God's loving purposes, not under the yoke of the law.[2] And so, by negating conscience's subordination to the rule, man's freedom of choice in the knowledge of good and evil is preserved; by affirming man's free identification with God's purposes, radical autonomy is discarded; and by placing the theonomous conscience in the context of the koinonia, moral behavior is contextualized, concretized, and offered a guidance that is not alien to its Christian character.[1]

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[1] E. Brunner, *op. cit.*, "This commandment [of love] transcends the contrast between mysticism and morality."

[2] "*Conscience is the act--both of knowing and of doing--which expresses and exposes the connection between the knowledge of good and evil as the environment of humanization* [*i.e.,* the knowledge of good and evil *which is* God's action in the *koinonia*] *and the obedient response to this environment*." (P. Lehmann, *op. cit*., 350).

And so, concludes Lehmann, quoting Dostoevsky's words in the legend of The Grand Inquisitor, "man must hereafter with free heart decide for himself what is good and what is evil, having only Thy image before him as his guide."[2]

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[1] Ibid., 359. See also E. Brunner, op. cit., 301.

[2] Fyodor M. Dostoevsky, The Brothers Karamazov, tr. Constance Garnett, Vol. 52 of The Great Books (54 vols.; Chicago: Encyclopaedia Britannica, 1952), p. 132.

With reference to Lehmann's statements bearing on Christian moral behavior, Ramsey (Deeds and Rules in Christian Ethics, 52-57) makes two points: (1) that Lehmann's insistence that Christian moral behavior is indicative rather than imperative, an answer to the question "What am I, as a Christian, to do?" rather than to the question "What ought I, as a Christian, to do?" is not founded; (2) that Lehmann orients his ethics toward revelation rather than toward morality (Ramsey, ibid., 60-67).

If our reading of Lehmann is correct, the first criticism, as it stands, may be hard to substantiate. In fact, Ramsey himself (op. cit., 209 footnote 39) seems to grant Lehmann implicitly what he explicitly denies on p. 53. For he writes: "Christian theological ethics is, of course, the Christian life lived in rational reflection, and Christian dogmatic theology is the Christian faith lived in rational reflection. This means that Christian ethics is a secondary 'science' presupposing life's activity and conduct upon the basis of Christian faith."

For, as Lehmann points out, given the theonomous character of conscience (as syntêresis), the moral action flowing from it is more the fruit of a "connatural" awareness of what God is doing than the execution of a command. In other words, for the Christian, moral behavior flows from a loving identification with the living Christ, from an imitatio Christi which is the result of a quasi-mystical, connatural knowledge and love for Christ.

Having this "knowledge" or awareness of God's purposes (1 Cor. 2:10b-16; Phil. 2:6), the Christian simply "acts out" what he is, namely, a Christian, a "spiritual" (pneumatikos) man. In Hopkins' words, the Christian

Bonhoeffer treats conscience in a manner somehow similar to the one employed by Lehmann. Sin breaks man's union with God, and man feels

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> "Acts in God's eye what in God's eye he is--
> Christ--for Christ plays in ten thousand places,
> Lovely in limbs, and lovely in eyes not his
> To the Father through the features of men's faces."
> (G. M. Hopkins, No. 34)

This assimilation does not evince the character of a command. In it, rather, the Christian "sees" an indication of what he, as a Christian, is to do, and it is this awareness, this "knowledge," that truly sets him free (Jo. 8:32). It is because of this that, as Lehmann wisely remarks, "as far as Paul is concerned, conscience /in the sense of syneidêsis, it would seem/ is not indispensable to a Christian ethic." (P. Lehmann, op. cit., 358).

The same "traditional" idea appears in Irenaeus, Proof of the Apostolic Preaching, 95-96, tr. J. P. Smith, Vol. XVI of Ancient Christian Writers, ed. J. Quasten and J. C. Plumpe (Westminster, Md.: Westminster Press, 1952), p. 105-106: "We have received the Lord of the Law, the Son of God; and through faith in Him we learn to love God with our whole heart, and our neighbor as ourselves; but the love of God is without all sin, and love of one's neighbor works no evil to the neighbor. Therefore also we have no need of the law as pedagogue."

True love, "love without sin," needs no law. But one must, of course, "discern" true love from false. (Cf. I Jo. 4:1 ff.)

Moreover, because of the same reasons, Christian behavior and Christian conscience cannot be separated from the Koinonia, the Christian community. For the guidance derived from the connatural awareness of what God is doing can never be complete until God's purposes are discovered within the koinonia. And this for the simple reason that the koinonia is but an extension of Christ; in fact, the Christ's "body." In John's terms, it is not the Christian alone, individually, who has been made through the Word: "All that came to be was alive with His life" (Jo. 1:2-4). And so God's call, in its totality, must be picked up as it resounds in the full context of the Word. The full discovery of, love for, and identification with the total Christ, must necessarily include the Christ's "body," the koinonia.

Now, turning to Ramsey's second criticism, we find that he seems to direct it against the identification of Christian morality with Christian maturity; or, in other words, he finds fault with Lehmann's insistence on the primacy of faith over morality (P. Lehmann, Ethics in a Christian Context, 54). But surely, this follows precisely from Lehmann's emphasis on, and understanding of, the theonomous conscience, an understanding that is "traditional" in the purest and strongest connotation of the term.

this breach in his own feelings of guilt and shame. But conscience remains here as a last resort against man's self-annihilation. Conscience arises when man, already severed from God and fellow man, is on the verge of being severed from himself. Its negative commands are like danger signs: the forbidden action imperils the whole of life, and therefore must not be posited.[1]

This is, basically, the answer Söe gives to an almost identical criticism from Ramsey. He writes: "A further objection is posed: the fact that Christ commands and lays a claim upon you, coupled with the fact that he loved you and gave himself for you--these theological statements cannot by 'imperceptible transitions become ethical statements. If it is ethics you are engaged upon, and not metaphysics or theology, then you must begin by showing that obedience to this command of Christ is good, and that therefore our nature is called upon to take possession of it.' Answer: I certainly am not venturing upon ethics as something different from theology. If I were to understand that Christ's command is good before I gave my assent to it, it must mean that previous to my giving myself to Christ, I must know what is good. Then I (my conscience) should be the supreme judge in these matters, and 'revelation' so far would not be revelation. . . . Christian ethics is certainly not a special kind of philosophical ethics" (N. Söe, "Natural Law & Social Ethics," 307).

In this connection, Lehmann's insistence upon "humanization," "the keeping of human life human," must not be taken to detract from the unity he has sought to establish in the theonomous conscience. For, in fact, this is but an unearthing of the richer meaning enshrined in the term "vocation." God's call to the Christian to be and act out what he is, i.e., a Christian, is but a call for him to be, at the same time, fully a man. This idea has been amply developed, with great detail and insight, by Hans Urs von Balthasar in his book Prayer.

To take an example, given and developed by von Balthasar. Simon the fisherman, before his meeting with Christ, however thoroughly he might have searched within himself, could not have found a trace of "Peter." "Peter" depended on a call from God. Yet the character "Peter," the particular vocation or mission reserved for him alone, was, at the same time, to be the fulfilment of all that Simon could humanly be. In the form "Peter" Simon was made capable of fully realizing himself as a human being. Similarly, in the form "Christian" the (Christian) man is made capable of fully realizing himself as a human being.

[1] Dietrich Bonhoeffer, Ethics (New York: The Macmillan Co., 1955), 24; 242 ff.

Bonhoeffer sees conscience, at this stage, as a usurper of God's place. Conscience, in sinful man, in man separated from God, pretends to be the voice of God and the criterion for man's relationships with his fellow men. And so it is precisely in conscience, or through it, that a restoration of man's union to God is to be effected, in Christ. This is precisely what "conversion" means, a "metamorphosis" or complete inward transmutation, a "renewing of the mind,"[1] which of course can be effected only through identification with Christ. God only judges, and God only knows what is good and what is evil. "Conversion" means, then, that He is installed again at the origin, and in this renewal man acquires a new knowledge and a new freedom.[2] And, as with Lehmann, it is the "converted" conscience that is the bond between God's will and knowledge and the Christian's free moral actions.

To know, then, what God's will is, what is right or wrong, man has to abandon his own knowledge of good and evil and substitute in its place God's knowledge of good and evil. This "knowledge of God's

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It is interesting to note that Kant also views conscience as an "original intellectual and . . . moral capacity" whose business "is a business of man with himself." (Immanuel Kant, A Note on Conscience, trans. T. K. Abbott, in Vol. 42 of The Great Books /54 vols.; Chicago: Encyclopaedia Britannica, Inc., 1952/, 379).

E. Brunner's account of Christian conscience is almost exactly that of Bonhoeffer. See The Divine Imperative, 156 ff.

[1] Rom. 12:2.

[2] D. Bonhoeffer, op. cit., 36 ff.

Tillich, in Morality and Beyond, 77, refers to the same reinstatement when he speaks of the "transmoral" conscience, i.e., the conscience that "judges not in obedience to a moral law, but according to its participation in a reality that transcends the sphere of moral commands. A transmoral conscience does not deny the moral realm, but is driven beyond it by the unbearable tension of the sphere of law."

knowledge" is not pure intuition or feeling; in terms of our previous distinctions, syntêresis, even when theonomous, does not encompass the total meaning of Christian conscience. It must be completed by reflection, by examining in every situation what God requires, what the possibilities are, what the consequences may be. In other words, conscience as syneidêsis must round up the picture. Still, any such processes of reflection must, for the Christian, be forever linked with God's knowledge and will:

> The Christian cannot now indeed examine himself in any other way than on the basis of this possibility which is decisive for him, the possibility that Jesus Christ has entered into his life, nay more than that, that Jesus Christ lives for him and in him, and that Jesus Christ occupies within him exactly the space which was previously occupied by his own knowledge of good and evil.
>
> . . . .
>
> Consequently our self-examination will always consist precisely in our delivering ourselves up entirely to the judgment of Jesus Christ, not computing the reckoning ourselves but committing it to Him of whom we know and acknowledge that He is within ourselves.[1]

Like Lehmann, Bonhoeffer finds that it is only by identifying himself with God in Christ that the Christian can bridge the gulf between God's will and his own freedom, thus overcoming his own dipsychia or inner division.[2] Moreover, it is precisely as the context or pre-requisite for the attainment of this unification that the neighbor appears in the scene. For Bonhoeffer, as for Lehmann, the neighbor is inextricably involved in the full life of the Christian and in the meaning of Christian conscience.

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[1] D. Bonhoeffer, Ethics, 41-42.

[2] Ibid., 36. The Christian thus becomes single-hearted, "simple" or undivided (Cf. Jas. 1:8). "Not fettered by principles, but bound by love for God, he has been set free from the problems and conflicts of ethical decision. They no longer oppress him. He belongs simply and solely to God and to the will of God. It is precisely because he looks only to God, without any sidelong glance at the world, that he is able to look at the reality of the world freely and without prejudice. And that is how simplicity becomes wisdom" (Ibid., 68). See also E. Brunner, op. cit., 296, 320.

It is in identification with God that the Christian overcomes his inner disunion. But what does this entail? God, as the New Testament states, is love. And God's deed of love is Jesus Christ. As far as the Christian is concerned, then, love--Christian love, that is--"is not an attitude of men but an attitude of God."[1] Love is always God Himself. And so, the overcoming of man's dipsychia (understood as re-union with God) is an "at-one-ment" with God-who-is-love, the proof of which is Jesus Christ.

> Love is the reconciliation of man with God in Jesus Christ. The disunion of men with God, with other men, with the world and with themselves, is at an end. Man's origin is given back to him.
>
> Love, therefore, is the name for what God does to man in overcoming the disunion in which man lives. This deed of God is Jesus Christ, is reconciliation. And so love is something which happens to man.[2]

That is, for the Christian, reconciliation, the attainment of union, means being as Christ towards God, being "empty of self" so as to be filled with God-love. But it is precisely in service to the world, in being a "man for others," that the Christian, like Christ, opens himself fully to the transcendence of God-love. This is, indeed, the genuine experience in which disunion is overcome:

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[1] D. Bonhoeffer, op. cit., 51.

[2] Ibid., 52.

> Encounter with Jesus Christ, implying a complete orientation of human being in the experience of Jesus as one whose only concern is for others. This concern of Jesus for others the experience of transcendence. This freedom from self, maintained to the point of death, the sole ground of his omnipotence, omniscience and ubiquity. Faith is participation in this Being of Jesus (incarnation, cross and resurrection). Our relation to God not a religious relationship to a supreme Being, absolute in power and goodness, which is a spurious conception of transcendence, but a new life for others, through participation in the Being of God. The transcendence consists not in tasks beyond our scope and power, but in the nearest Thou at hand.[1]

In short, the community, where life "for others" take place, is the context where the condition for the re-unification of the Christian's conscience is verified.

A similar account of conscience is given by H. R. Niebuhr, but with the emphasis placed more squarely upon the social context as social. For Niebuhr, conscience can be described at two levels, but in both its form is triadic. In general, he says, "conscience is a function of my existence as a social being, always aware of the approvals and disapprovals of my action by my fellow men."[2]

The self lives his life in relation to companions; his is an I-Thou, I-You existence. But the personal encounters with other selves are not to be understood as disparate, severed one from the next, as atomic actions to which atomic reactions correspond. On the contrary, says

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[1] Dietrich Bonhoeffer, Letters and Papers from Prison (New York: The Macmillan Co., 1953), 237-238. For the change from "nearest thing" to "nearest Thou" see J. A. T. Robinson, Honest to God, 76 (footnote 1).

[2] Helmut Richard Niebuhr, The Responsible Self, 75.

Niebuhr, these encounters are to be taken as instances within a pattern of behavior that shows certain constancies and continuities. From this point of view

> the social self is never a mere I-Thou self but an I-You, responding to a Thou that is a member of an interacting community. And in its interactions with others, constancies have been demonstrated which enable the self to interpret the action upon him.
>
> . . . .
>
> It can respond to the meaning of present action because such action is a part of a total action, something which means the total action or derives its meaning from that whole. So my conscience represents not so much my awareness of the approvals and disapprovals of other individuals in isolation as of the ethos of my society, that is, of its mode of interpersonal interactions.[1]

Yet, at the same time, the encounter between I and Thou takes place in the presence of a third, different from each, yet to which both the I and the Thou respond. This closes the triadic nature of conscience as social. This third element is the complex of society and of "nature," understanding by this latter the large conglomerate of actions, happenings, and events in which we are immersed. The self's actions, then, take place always as responsible and in answer to other selves in the midst of society and nature.

But beyond this first level of the triadic relationship in which conscience develops, there is a second dimension, one which Niebuhr develops in terms of the ideas of loyalty and "cause." This is a second level because the idea of a "cause" takes the self beyond the immediacy of nature and society to something larger, like patriotism, the democratic ideal, and so on. But even here there is a triadic relationship because the self is loyal both to other selves and to the "cause."

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[1] *Ibid.*, 78-79.

Now, this model of a two-dimensional triadic relationship obtains equally within the church. Niebuhr writes:

> It seems evident that as I respond in the church I respond to my companions, that is, to the fellowship of the members of the church. They have taught me the language, the words, the logic of religious discourse. But the discourse is not about them, it is about a third. To these fellow members I am challenged to be faithful, but not otherwise than in faithfulness to the common cause. That common cause is represented to me by the prophets and apostles. Yet they point beyond themselves. And even when I find that I can be responsible in the church only as I respond to Jesus Christ, I discover in him one who points beyond himself to the cause to which he is faithful and in faithfulness to which he is faithful to his companions--not the companions encountered in the church, but in the world to which the Creator is faithful, which the Creator has made his cause.[1]

For the Christian, therefore, all his responses to his companions are intimately connected with his responses to God as the ultimate person, the ultimate "cause," the center of the universal community. Consequently, man's conscience, in its awareness of approval and disapproval, cannot be satisfied until it makes reference to a universal Other and a universal community which the Other both represents and makes his "cause."

Conclusion: Criticism of Legalism in General

In view of the preceeding discussions what are we to say about situationism's attitude toward absoluteness in general? How are we to interpret its claim to independence from rigoristic legalism?

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[1] *Ibid.*, 86.

Situationism, we have seen, is against legalism of any sort, no matter what its qualification--Bible, law, church, Commandments. In Pike's words, it says No to all ready-made answers to the particular situations in which man is asked to respond.[1] But this opposition must be explained. Because, in fact, as we have seen Fletcher and Pike remark, the situationist _does_ embrace "principles generally valid." The objection to legalism, then, is to be focused on legalism's claim that values are absolute, a claim based on the supposed internality of the values in question. In other words, the objection is actually directed to the view that holds certain values to be intrinsic and therefore immutable. So that the real center of opposition is not the law as such but the claim that its foundation is intrinsically good or evil. At bottom, then, the point of difference between legalism and situationism is the age-old realist-nominalist, rationalist-voluntarist controversy.

Consequently, the degrees of immutability claimed for the law by legalists--and similarly legalism's distance from situationism--will depend on the degree of internality claimed for their values. And here it will not do simply to dismiss legalists _en bloc_, since many of them, as we saw, hold a moderate position in the use they make of the claim of internality. Again, it will not do, as Gleason does, to lump situationists and antinomists together, since situationists seem to uphold the distinction between the intrinsic and the objective, granting their "principles generally valid" a large measure of objectivity.

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[1] J. Pike, _op. cit._, 141. "Legalism is Legalism Whether It Rests Upon Nature or Upon Scripture" (J. Fletcher, _Situation Ethics_, 75).

That the cleavage between legalism and situationism cannot be simplified is best exemplified in the notion of natural law. One must grant, of course, that many expositions of natural law morality are, indeed, framed in the most absolutist language imaginable, an outcome, we believe, of an exaggerated rationalism.[1] But the reverse is also true, namely, that many objections to the natural law morality are samples of ignorantia elenchi.[2] Moreover, as we have tried to show, there are several re-interpretations of the notion of natural law that are far less rigid and far more personalistic than one would imagine at first sight. Simons, for instance, is quite clear in denying the absoluteness of natural law. He writes:

> The reason why it is not absolute is that the general rule is meant to safeguard the greater good of man and does not apply when it becomes an obstacle to it. In such exceptional circumstances the very basis of morality, on which the general rule is based, demands that it be disregarded and that we do what the basis of all moral law, the good of mankind, imposes on us.[3]

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[1] L. Dupré, op. cit., 250, grants readily that the opposition to natural law morality is caused by the different theological starting points. But, he adds, "just as often the situationist's stand is simply a reaction against an outdated, static concept of human nature."

[2] J. Pike, op. cit., 38-42, is an example. See also J. Fletcher, Moral Responsibility, 123.

[3] F. Simons, op. cit., 438.

Now, it is difficult to find in this statement the harshness of absolutism that situationism argues against. In fact, the statement could almost have been taken, literally, from the writings of most situationists without anyone noting the difference.

But that is not all. For although it is true to a large extent that traditional law, as Bishop Robinson remarks, subordinates man to the Sabbath,[1] this attitude is no longer as universally held as it was, perhaps, in the past, and consequently, no such general criticism of legalism or of natural law morality is any longer valid. Simons, again, is clear and to the point:

> Once we admit that the welfare of mankind is the basis of natural moral law, it follows as a necessary and important corollary that in so far as the natural law is expressed in general rules or "commandments," the same welfare of mankind will indicate where the limits are of those rules. Or, whenever the good of mankind demands that the general rule or commandment should not apply, it does not apply. This evident consequence gives us an easy solution of certain moral problems which have bedevilled moral theologians who believe in the absoluteness of the commandments. For though the absoluteness is asserted, they cannot shut their eyes to the fact that the consensus of mankind has always allowed certain exceptions and that they are unavoidable.
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> . . . .
>
> The general rule binds only because and in so far as the greater good of mankind demands it and, therefore, ceases to bind when on the contrary it becomes an obstacle to that greater good.[2]

This approach serves, at the same time, to illustrate how misleading is the charge that natural law morality committs the "naturalistic fallacy." For, as we pointed out above, the valuational factor that obviates the danger implied by this accusation is nowhere more apparent than in this approach to morality, in which, as McCabe remarks, human behavior is contemplated precisely as human, as behavior "in which the significance of the behavior is part of what the behavior is."[1]

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[1] J. A. T. Robinson, Honest to God, 112.

[2] F. Simons, op. cit., 436-437.

This approach to natural law morality, as Milhaven and Simons remark, must rely largely on experiment and reflection, a method which, as we have seen, is the pragmatic one favored by situationists. To be sure, even the most rigorist law ethics must make room for the exception, to be ruled by epikeia or equity. But who knows about epikeia? Certainly not the layman, who is precisely the one who finds himself more often mired in the midst of exceptional situations. So the more experimental approach to situations reflects, no doubt, a more honest confrontation with the problems of morality as they actually occur, not as they are dreamed of by the theologians.[2]

But this, in turn, must not be taken to be a call to looseness and licentiousness. Certainly not in Simons' mind,[3] and we have seen that Fletcher, too, repudiates this interpretation. For, after all, there are some principles "generally valid,"[1] there is a nature which man has to grapple with,[2] and there is, in every case, an overarching principle, love, or utilitarian concern, which guides man in the situation. The same conclusion forces itself upon us from a consideration of the deductive and the inductive modes of moral reasoning as represented respectively by the legalistic and the situationist approach.

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[1] H. McCabe, "The Validity of Absolutes," 433.

[2] Simons, op. cit., 437, writes: "Experience and common sense clearly teach that though the commandments are good enough as general rules, they cannot be taken as absolute rules which admit of no exceptions. The exceptions are there, admitted by mankind and by the moral theologians, though the latter have tried to maintain that they are not really exceptions."

[3] F. Simons, op. cit., footnote on p. 429.

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[1] Although what this means to the situationist remains still to be seen.

[2] R. S. Peters, in Ethics and Education, 134, writes: "A person who is conscious of his own agency in shaping events is also aware of the irksomeness of external forces that may prevent or impede him in doing what he wants. He has learned, however, to come to terms with the confines of nature; for his concept of himself as an agent develops pari pasu with the concept of a nature which is unaffected by human whims and wishes. It is only in the autistic thinking of the infant, or in magic, that the natural world is subject to human whims and wishes."

This balanced statement gives the lie to exaggerations such as Fletcher's when he writes, quoting F. E. Flynn, that "man's vocation is actually to frustrate nature as to medicine and technology, if rational needs and purposes require it" ("Anglican Theology and the Ethics of Natural Law," 323). See also J. Fletcher, Moral Responsibility, 122.

First of all, to refuse to accept the limitations imposed on man by so many "natural" factors is, as Peters says, a sign of immaturity. In the second place, this refusal turns human action into a sheer aimless impulse, depriving it of any meaningful context. Thirdly, Fletcher's very words, "to frustrate nature," show he has not understood the meaning of creative action. He is, in fact, and contrary to what he claims to be doing in his ethics, presenting complete noncontextual, open-ended activity as the only alternative to rigid legalism. He fails to see that creativity does not take place in a vacuum--except in the case of God's creatio ex nihilo. Human creativity necessitates a context within which to operate, a background against which to stand out.

One thing is to grant that no a priori, objective human nature can provide a definitive rule for action before man's engagement in this action. But, as Dupré remarks (op. cit., 256), "this does not mean that freedom determines itself in a vacuum. Freedom can exercise itself only within the objectivity of nature. Unless it respects the objective, given part of the self, the creative impulse becomes destructive."

For objectivity, as present in pragmatic and empirical verification, cannot be seen to lead to anomie, although, on the other hand, it is less secure (at least theoretically) than conclusions derived from fixed and stable principles.

In this connection, then, some of the criticisms situationists address to legalism seem quite acceptable. The deductive approach, no matter how secure in theory, does not do away with any of the anguish and difficulty of applying a general norm to a particular situation. Casuistry, in other words, is not a child's play, and to claim that any of the current Code ethics, whether Biblical[1] or based on natural law,[2] is better as a general ethical method, does seem to be somehow simplistic and naive.

At the same time, the inductive, pragmatic, situationistic approach, places the burden of responsibility for one's actions squarely on the agent's shoulders. Excuses, as references to the law, are no longer possible. We might as well face this and address ourselves to the reconstruction of the moral order for which we are all responsible. For, after all, there is no pre-established order, no final system of values, but one in the formation of which our actions and decisions are inextricably involved.

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[1] Bishop Robinson remarks: "The Sermon on the Mount does not say in advance, 'This is what in any given circumstances you must do,' but, 'This is the kind of thing which at any moment, if you are open to the absolute, unconditional will of God, the Kingdom (or love) can demand of you'." (Honest to God, 111).

[2] Even with regard to the most liberal interpretations of natural law morality, Pike's criticism seems appropriate: "The 'natural law' gives us no answer to specific questions; and they--and they alone--are what matter" (You and the New Morality, 41). See also J. Maritain, Man and the State, 88.

This method of ethical decision-making seems, also, more appropriate to the particular situation modern man finds himself in. It is not a question, as many legalists seem to think, of making concessions to man's moral weakness, lawlessness, or confusion. The problem is, simply, that modern man faces situations quite novel and perplexing, and changing with such rapidity that it is at least pertinent to ask whether or not the fixed, inflexible, timeless and changeless rules of legalist morality have any relevance to what is going on.

Yet this cannot be exaggerated. For, to repeat once more, the inflexibility that situationists often attribute to Code ethics is certainly less apparent in approaches like those of Simons, Maritain, Rahner, Paul Ramsey, and others. Even the understanding of conscience shows an adaptability which is far removed from the image of the stern, unshakeable judge of good and evil, right and wrong action.

And so, in conclusion, we may say that the flexibility apparent in certain approaches to legalistic ethics makes the distinction between situationism and legalism far more difficult to determine than one would otherwise think at first brush. In fact, both approaches may be quite close, and the difference may be simply one of emphasis, or of point of departure, as Bishop Robinson has explained. Some further considerations, therefore, seem to be required in order to determine more precisely this line of demarcation--if there be any--between legalism and situationism. The points to be touched next will be those of relativity, the nature of "principles" and universalizability.

CHAPTER IV

THE VALIDITY OF PRINCIPLES

Introduction

In the previous chapter we tried to analyze situationism and its relationship to some expositions and concepts of law morality--in particular, the ethics of natural law. We found that if one considers a number of new expositions of this particular example of law ethics, situationism's claim as a via media between legalism and antinomism becomes harder to define, since legalism is not the hard crusted, monolithic structure one is often led to believe it is.

Legalism, however, does seem to claim for its principles a greater degree of force or obligatoriness; one could say, a greater degree of absoluteness. Certain general principles, like the principle of justice or equality, the principle of universality, the principle of consequences, the principle of personality or humanity (Kant's supreme practical principle), are taken to be universally applicable; and certain rules, arrived at by the application of these principles,[1] while not as binding as they, are still considered to provide a safe guidance for the ordinary moral agent.[2]

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[1] "Moral rules," writes Singer, op. cit., 119, "are established by means of the generalization argument. A rule that cannot be derived from an application of the generalization argument cannot be justified."

[2] "Moral principles . . . hold in all circumstances and allow of no exceptions; they are invariant with respect to every moral judgment and every moral situation. . . ." On the other hand, "A moral rule states

Situationists, on the other hand, seem to deny principles any absoluteness--with the sole exception of the principle of neighbor-concern, the law of love. Except for love, all principles are relative to both love and the situation in particular.[1] But while relativity seems to be the main emphasis, still one has to distinguish among different relativistic approaches, for not all of them deny the continuities of human behavior, or the usefulness of principles, or the need for some absolutes to make meaningful any relativistic talk.

The first problem, then, which we shall tackle here, is that of the distinction between the absolute and the relative, and we shall come to admit that no insurmountable obstacle is provided by this opposition unless one chooses to consider them as extremes and only as extremes, a choice we consider unwise.

The discussion of relativism will lead us to a consideration of the meaning given by situationists to principles, rules, and laws; or, as Fletcher calls them, "principles generally valid." We shall find that situationists, generally, accord a great deal of importance to principles and rules, since they represent the structures and continuities of human existence, and since no meaningful moral talk can be

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that a certain kind of action is generally wrong (or obligatory), and leaves open the possibility that an act (or omission) of that kind may be justifiable. Thus moral rules do not hold in all circumstances but only 'generally'." (M. Singer, op. cit., 103).

[1] "With a situationist approach, the moral agent may feel that every situation is wholly new and so different from any other that he must analyze each situation entirely on its own terms" (Robert H. Springer, S.J., "Notes on Moral Theology," 323).

held without the minimum of objectivity that they bring to ethical decision-making.[1]

Fletcher, on the other hand, by his rejection of the principle of universalizability (through a series of misunderstandings, no doubt),[2] by the exclusive meaning he assigns to principles (treating them only as maxims or rules of thumb), and by his failure to provide even the bare minimum of objectivity required for talk about moral behavior to be meaningful, places himself outside the ambit of situational ethics. Still, he verbally claims to uphold and make use of "principles generally valid," so that at least verbally he seems to remain within the middle kingdom established by situationists.

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[1] In this context, principles need not be taken to mean a priori generalizations, or even generalizations deduced from the knowledge of characteristics intrinsically given in human nature. They provide, rather, what Edel calls a "valuational base," that is, "principles and policies that are supported by knowledge and valuational experience. These principles and policies are amenable to refinement and alteration in the light of further growth in knowledge and extended valuational experience. . . . The valuational base . . . may be compared in ethical theory to the established body of systematic knowledge in a scientific field. It is a stable core, neither intuitively self-evident nor reducible to a definite set of particular experiences, but capable of refinement and extension both by theoretical analysis and additional experience" (A. Edel, Ethical Judgment, 334-335).

Even from a psychological point of view the importance of such a valuational structure is apparent. For, as Dewey remarks, "The essence of the moral situation is an internal and intrinsic conflict," (John Dewey, "Three Independent Factors in Morals," Educational Theory, XVI, No. 3 (July, 1966), 199), a conflict, that is, between principles and beliefs held, between good, right, virtue, not, as is often thought, between good and evil, right and wrong, duty and self-interest.

In Singer's words, "Moral problems arise out of the moral beliefs we have--from the fact that they are sometimes inadequate, often vague, and frequently in conflict. These beliefs provide the data and the starting point for ethical theory, which never arises in a vacuum." (M. Singer, op. cit., 8).

[2] Fletcher, for instance, misunderstands the generalization argument to mean that circumstances or actions are identical, rather than similar; or that to generalize means that no exception is ever possible, something which, if true, would obviously do away with the fluidity and spontaneity of human creativity. But this is not so. Neither does generalization imply internality. The fact is that the generalization argument provides both the maximum of creativity and the minimum of conformity required for human moral action to be at all meaningful, and for ethical discourse to be at all possible.

These points, then, will engage our attention in the following pages. We shall have to consider the distinctions and clarifications required to finally delineate the position of situationism in general and of Fletcher's brand in particular. The first point to be considered is situationism's understanding of relativism.

Relativism

Ethical relativity is a very old and, at the same time, very modern view regarding values.[1] But the term "relativism" must be clarified before any discussion of its meaning can be undertaken. For by "relativity" in ethics any of a number of attitudes may be signified, and yet not all these attitudes are remotely acceptable or pertinent to our discussion here.

In the first place, there is a view of relativism which is almost synonymous with subjectivism. According to this view, value judgments are personal, subjective, unique, and constitutive, in every situation, of rightness or wrongness. Right and wrong, good and evil, are dependent exclusively on the judgment of the particular individual in question.[2]

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[1] Plato (Meno 72) had already stated that "Virtue is relative to the actions and ages of each of us in all that we do."

[2] Richard M. Hare, Freedom and Reason (New York: Galaxy Books, Oxford University Press, 1965), 49-50; Sidney Zink, The Concepts of Ethics (New York: St. Martin's Press, Inc., 1962), 23-24.

This view denies both internality and objectivity. It is a very common view among those with little or no philosophical enlightenment,[1] and it is often attributed, mistakenly, of course, to pragmatism.[2] It is reflected in the high-sounding phrase that "what is true for me is simply true for me, and may not be true for you or anyone else." But in fact, subjective ethical relativity is an absurd view, since value judgments, except in the now abandoned extreme emotivist view, do concern an object or action or fact, and are not pure expressions of a subjective state of mind. In other words, subjective relativism forgets that even if values are held to be extrinsic it does not thereby follow that they must be only, subjective: they may be extrinsic and objective, and this, as was explained above, is quite an important distinction.

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[1] With the sole exception of those few philosophers who uphold the tents of ethical emotivism.

[2] William James, in *The Will to Believe and Other Essays in Popular Philosophy* (New York: Longmans, Green & Co., 1897, pp. 189 ff.), wrote: "We are asking whether goods and evils and obligations exist in physical facts *per se*. Surely there is no *status* for good and evil to exist in, in a purely insentient world. . . . Neither moral relations nor the moral law can swing *in vacuo*. Their only habitat can be a mind which feels them; and no world composed of merely physical facts can possibly be a world to which ethical propositions apply. The moment one sentient being, however, is made a part of the universe, there is a chance for goods and evils really to exist. Moral relations now have their *status*, in that being's consciousness. So far as he feels anything to be good, he *makes* it good. It *is* good, for him; and being good for him, is absolutely good, for he is the sole creator of values in that universe, and outside of his opinion things have no moral character at all. . . . If now we introduce a second thinker with his likes and dislikes into the universe, the ethical situation becomes much more complex. . . . Multiply the thinkers into a pluralism, and we find realized for us in the ethical sphere something like that world which the antique sceptics conceived of,--in which individual minds are the measure of all things, and in which no one 'objective' truth, but only a multitude of 'subjective' opinions, can be found."

But this is not James' final word. Even if, with James, we admit a plurality of goods equivalent to the plurality of claims made by a plurality of individuals, one must still have recourse to the overarching principle of utilitarian concern in order to establish the minimal hierarchy necessary for human survival: that act is best which contributes most to the fulfillment of the claims of the greatest number. Right behavior is not simply whimsical, but the most *expedient* in promoting the greatest good of the greatest number. Now, this is a far cry from relativistic subjectivism.

At any rate this is not the view of relativism espoused by proponents of situation ethics. This second type of relativism involves two main claims or considerations. In the first place, relativism denies the doctrine of value absoluteness as implying internality,[1] but without denying objectivity.[2] Secondly, and almost as a corollary, it asserts that the value of a thing or action is to be determined always with reference to the concrete situation.[3] For, since no value is ever intrinsic--and consequently never unchangeably good or evil--it may be designated as objectively good in one particular situation while it may have to be classified as objectively evil in another.

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[1] "On this formulation of our central problem, relativism and absolutism are seen to take their customary places at opposite poles. One asserts that all is indeterminate; there are no answers nor any way of getting at them. The other asserts that there are answers, written in men's conscience, or the dictates of the gods--somehow available for his grasping." (A. Edel, Ethical Judgment, 30-31).

[2] On this point Gleason's confusion is extreme. He writes: "There can be no doubt that situational ethics, at least in its extreme forms, is freighted with relativism. While it does not deny the existence of immutable ethical principles founded upon the nature of man, it does resolve the moral judgment, not into fixed principles of objective validity but into the self-sufficient internal light of the subject. The personal intuition which is characteristic of this system is not the unique norm for action but it is the decisive norm" ("Situational Morality," 556).

Situationism does, in fact, deny the existence of immutable principles, no matter where found. On the other hand, it also accepts "principles generally valid," something Gleason acknowledges and denies in the same paragraph.

[3] S. Zink, op. cit., 25.

Now, this is the type of relativism which the situationist espouses.[1] The strategy of situationism is pragmatic, writes Fletcher, just as its tactics are relativistic.[2] By this he does not mean the untutored relativism we discarded above, a self-contradictory absolute relativity. For relativity, after all, means "relative _to_ something. . . . There must be an absolute or norm of some kind if there is to be any true relativity."[3]

Relativism, therefore, is not for the situationist the type of antinomianism Gleason seems to have in mind; it is not anarchic, that is, without a principle.[4] On the contrary, it adopts the supreme and only principle of love or utilitarian concern, and it adopts it in an absolute fashion. And it does this because, as Tillich has pointed out, love alone, of all other absolute principles, has within itself the seeds of relativity.[5] Any other principle, if granted absoluteness, would become a tyrant.[1]

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[1] See J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 321.

[2] J. Fletcher, _Situation Ethics_, 43. Pragmatism, as we noted above, precludes subjectivism, since its point of reference is a consequence--objective, verifiable.

[3] J. Fletcher, _Situation Ethics_, 44.

[4] _Ibid_., 45.

[5] P. Tillich, _Morality and Beyond_, 87-90. Also J. Fletcher, _Situation Ethics_, 45.

One such example of tyrannical absolutism is, precisely, the law. In fact, it is because the law, fixed in its absolutism, fails to meet squarely the requirements of the concrete, particular situation, that relativity is born and prospers in the realm of morality.

> The truth of ethical relativism /writes Paul Tillich/ lies in the moral law's inability to give commandments which are unambiguous both in their general form and in their concrete applications. Every moral law is abstract in relation to the unique and totally concrete situation. This is true of what has been called natural law and of what has been called revealed law.[2]

But although Tillich's statement may point to the central focus of opposition between relativism and absolutism, the matter cannot rest here. For though it does seem to be true that absolute laws, precisely because, and only in so far as they are absolute fail to do justice to the newness and fluidity of the situation, the same inadequacy may be predicated of relativism's indeterminacy if and whenever it provides no structure for meaningful human behavior.[1] From this point of view, as polar notions, as extremes, they both fail to do justice to the situation.[2] As Edel puts it,

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[1] This is the reason why A. Miller ("Unprincipled Living: the Ethics of Obligation," 29), sides with Joseph Sittler and defends him against Fitch. Sittler maintains that the love-based Christian style of life "can no more be in a system than the teaching of Jesus, which moves 'by occasional lightning flashes and gull-like swoops into concrete situations'." To Fitch's criticism, Miller replies: "While I sympathize with Mr. Fitch's craving for 'principles' rather than 'gull-like swoops,' he does not seem to me to suggest how we can do better than cage the gull, a suggestion that I find unhelpful." See also E. Brunner, op. cit., 270.

[2] Paul Tillich, Systematic Theology (3 vols.; Chicago: Chicago University Press, 1951-1963), Vol. 3, 47. Elsewhere Tillich states that "The law of love is the ultimate law because it is the negation of law" (Systematic Theology, Vol. 1, 152). Fletcher echoes this when he writes that "Only love is constant; everything else is a variable" (Situation Ethics, 45).

Elsewhere in Situation Ethics, 59-60, Fletcher quotes William Temple (Religious Experience /London: James Clarke & Co., Ltd., 1958/, pp. 173-174) to the effect that "The rightness of an act, then, nearly always and perhaps always, depends on the way in which the act is related to circumstances; this is what is meant by calling it relatively right; but this does not in the least imply that it is only doubtfully right."

> ethical absolutism has leaned heavily on the phenomenon of conscience, the sense of moral law, and the appeal to the light of reason. Ethical relativism has turned to individual will and attitude and focused on the phenomenon of ultimate disagreement. And indeed if conscience does furnish decisive verdicts, if do have a sense of moral laws as binding absolutes, if reason does lay down a definite line, then indeterminacy may prove ethically negligible. Or if the individual's will has an ultimate veto and if in ultimate disagreement there is nothing left to say, then ethical indeterminacy will be always with us.[3]

We come here again to what we have already found to be the true center of opposition, namely, the realist-rationalist and the nominalist-voluntaristic points de départ.[4] So the question arises: If both absolutism and relativism, as extremes, do not do justice to human experience, can they be considered as finally irreconcilable? Viewed within this context, are legalism and situationism really so far apart that no reconciliation or *rapprochement* is possible?

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[1] See Bernard E. Meland, "A New Morality--but to What End?" Religion in Life, XXXV, No. 2 (Spring, 1966), 191-199.

[2] Cf. B. Häring, op. cit., 86-89.

[3] A. Edel, Ethical Judgment, 36.

[4] Apart from this reduction, any and every argument for or against either side must be considered to beg the question. When Gleason, for instance, writes (op. cit., 545), that "it is evident to reflection that the commands of God are neither arbitrary nor diminishing of man's inner being. They are rather the expression of the harmonious development of the fundamental spiritual orientation of man himself as created by God," he is begging a number of questions. For it must still be shown that God commands, that his commands are good, that they are absolute, that whatever God creates is absolutely either good or bad, and so forth. Now, aside from faith, the answers to these questions must be based, ultimately, on the basic realist-nominalist stances.

Here, once more, we find ourselves confronted with a question to which our knowledge of situationism, at this stage, does not permit us to answer. There is no doubt, in the first place, that absolutism, no matter what garb it wears, is not as absolute as one might otherwise think--or even as situationism would lead us to imagine. The very notion of *epikeia* already bears testimony to this.[1]

There is, on the other hand, the very important consideration, alluded to above, of the different types of relativism, some of which do, in fact, provide definite structures for human behavior. So, as long as we remain tied down to the notions of absolutism and relativism *as extremes*, we may be misrepresenting the total situation. If absolutism is not as absolute as it appears, neither is relativism as relative as it seems--*unless* one refers to the kind of relativism that, precisely, is alien to situationism. There is, no doubt, as we pointed out above, an extreme position of relativism whose essence, in Edel's words, lies in the assertion that variety, uniqueness, conflict or disagreement, subjectivity

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[1] "A morality of absolute laws gives the appearance of completely removing indeterminacy. But it too simply covers it over. There are indeterminate elements in the way the particular laws are decided on. There are further ones in the meaning of the terms in the laws. The more you insist that it is always wrong to tell a lie, the more prone you will be to render the definition of 'lie' indeterminate. Thus one finds the argument that when it is justified, an apparent lie is not really a lie but sparing another's feelings, or exercising mercy, or whatnot. And if one avoids this type of vagueness, the indeterminacy reappears in the conflict of laws applicable to the same situation. If saving a life is right and lying is wrong, what should be done where a lie is the only way to save a life?" (A. Edel, *Ethical Judgment*, 32-33).

> are in some sense ultimate, irreducible, irreconcilable; that there is no pattern or generalization of which the varied and the unique are but different expressions; that the conflict can never be resolved; that there is no moral bridge to break the individual's isolation. In short, that there are no common moral questions, and above all, no common moral answers.[1]

But this need not be so. And situationism explicitly states that the relativity it embraces is not of this kind. It is a situational relativity. It denies internality, but not objectivity. I rejects inflexible, absolute laws, but not "principles generally valid." In Pike's words,

> it can be argued that the widespread foible of being inconsistent proves nothing, but it's a pretty snarly and consistent inconsistency. Part of the data of reality is the plain fact that virtually everybody feels a sense of right and wrong when he's the object of something he doesn't like. He utters judgmental labels, defends his "rights," feels bound up, and in general protests--and protests vehemently. Whether in each instance he is justified in his instinctive reaction in the light of an avowed no-ethic, it is there. And this datum of experience displays a well-night universal instinct that there is a right--or rightful--dimension in human behavior. Practically no one is relaxed about the _is_ when outrageous things are done to him. In fact, this pervasive feeling of rightness is, empirically speaking, part of the _is_. Is this just social conditioning? No, it's too deep and ineradicable. Not social conditioning; rather, vice versa. It is not just an effect; it's the root cause of much social conditioning, both bad and good.[2]

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[1] _Ibid._, 30.

[2] J. Pike, _You and the New Morality_, 49. For all his rejection of a (misunderstood) notion of natural law Pike, here, sounds very much like a natural law ethicist himself!

And Simons, who, although not a situationist, does deny absoluteness, conveys the same meaning when he writes:

> From the fact that men's moral convictions have been conflicting and subject to change, some have concluded that morality is only subjective, that there are no objective moral laws or norms. They seem to overlook the equally obvious fact that there has been for thousands of years an uninterrupted consensus of mankind on a number of important moral rules and that on many others there has been a growing consensus, already achieved in some cases, still in progress in others. Even those who refuse to accept objective moral norms are compelled to agree on many of them in practice: with the rest of mankind they condemn injustice, dishonesty, cruelty, ungratefulness, disrespect of parents, killing without sufficient reason, etc.[1]

Bishop Robinson summarizes all this when he says that between heteronomy, the subordination of man to the law, and "the morass of relativism and subjectivism," that is, extreme relativism, there lies what Tillich and Lehmann call theonomy,[1] what we have been alluding to as situational relativity.[2]

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[1] F. Simons, op. cit., 432-433. See also P. Ramsey, Deeds and Rules in Christian Ethics, 157.

George B. Wall, in "Primitive Cultures and Ethical Universals," International Philosophical Quarterly, VII, 3 (September, 1967), 477, grants that the cross-cultural similarity of value in its basic conception cannot be conclusively proved "for the cultural material is ambiguous, permitting one to read his own viewpoints into the data being examined." Nevertheless, he goes on, p. 479, "One could make a case for the view that value in its fundamental conception does seem to have a similar content throughout all cultures, namely, the content having to do with the immediate quality of experience toward which desire is addressed."

Rightly, then, can Tillich conclude (Morality and Beyond, 34), that "Man's essential nature cannot be long as long as man is man. It can be distorted in the process of actualization, but it cannot disappear." And again: "Undoubtedly, the concrete formulation of moral commands and their interpretation in ethical systems are largely conditioned by the social situation. But in all the varieties of cultures and religions and, consequently, of ethical systems, some basic norms appear. They are rooted in man's essential nature and ultimately in the structure of being itself. Their elaboration is the task of a developed theory of natural law. And here it might be added that such a theory underlies not only all ethical systems, but also all systems of 'law' in the sense of jurisprudence."

If this is so, then relativity and absoluteness do not characterize in strict and clear enough terms the two opposed ethical views, situationism and legalism. Both may be reconcilable, after all. Modern legalist approaches, eschewing absoluteness, mingle quite readily with the less extreme type of ethical relativity; while situational relativity, accepting objectivity and "principles generally valid," seems hardly distinguishable from moderate absoluteness.

The question, then, to be discussed now in an effort to determine the locus of separation between legalism and situationism, is the meaning and force accorded by situationism to their "principles generally valid." How principled can relativism be? How objective, in other words, is situationism willing to be? And, based on this objectivity, how universal can it be?

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[1] J. A. T. Robinson, Honest to God, 110-120.

[2] Not all situationists, of course, are clear on this point. Canon Rhymes, for instance ("The 'New' Morality," 170-181), agrees with Bishop Robinson to the effect that the law is only peripheral, at the boundaries, as it were. But he neglects to ally himself with Robinson's disavowal of absolute autonomy.

In this connection, Bigham asks: "In brief, the question that the Canon raises seems to be whether law is but the shell of a turtle, 'at the boundaries and not at the center.' He does not even surmise that it has constitutional, vertebrate importance as an ossified (if one may dare that word) structuralization of what man is finding himself to be. While not the flesh and blood, to be sure, the skeleton is morphologically quite central to the loves and hopes and despair and aspirations of a man that is a human being." (Thomas J. Bigham, "A Serious Morality and a Religious Morality," Religion in Life, XXXV, No. 2 (Spring, 1966), 212).

To save ourselves from total ossification is praiseworthy. But must this be carried to the extent of turning into a jellyfish?

Such is the consequence Tillich would have us derive from a discussion of relativism, namely, that "basic ethical norms must unite an absolute element and a relative element. They must be universally valid and, at the same time, adaptable to the concrete situation." (P. Tillich, Morality and Beyond, 34-45).

Regard for Principles and Law

Situationists, in general, do not reject laws, rules and principles altogether. Few of them would adopt the spiteful view of the Cambridge don who, according to Miller, "wouldn't have the filthy things around the place."[1] Most of them, while rejecting the degeneration of law into legalism, would accept law and incorporate it into their situational frameworks. Pike, for instance, is quite explicit on this. He writes:

> Law and order serve the positive function of providing structures within which free decision-making is possible. Law and order enable one to live and plan with reliance on certain expectancies as to personal safety, continuity of the free use of property, the fulfillment of obligations, and so on. Hence, supporting the law by conforming to it is a positive contribution to one's fellows. In fact, it contributes to a person's hopes for a more reliable fulfillment of his own chosen patterns of life.[2]

Tillich expresses the same opinion. Love, after all, embodies itself precisely in these structures and orders which we call law, thus making life itself possible. And so the law is not merely tolerated: it is required by love itself.

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[1] Alexander Miller, "Unprincipled Living: the Ethics of Obligation," 29.

[2] J. Pike, op. cit., 123. Locke, in Concerning Civil Government, Second Essay, vi, 52, writes: "Law, in its true notion, is not so much the limitation as the direction of a free and intelligent agent to his proper interest. . . . So that however it may be mistaken, the end of law is not to abolish or restrain, but to preserve and enlarge freedom."

> For every individual, even the most creative, needs given structures that embody the experience and wisdom of the past, that liberate him from the necessity of having to make innumerable decisions on his own, and that show him a meaningful way to act in most situations. . . . Love demands laws and institutions, but love is always able to break through them in a new kairos, and to create new laws and new systems of ethics.[1]

For Lehmann, principles and laws are to be understood within the context of the koinonia. It is within the koinonia that the Christian discovers what God is doing in order to make human life more human. Laws and principles, therefore, cannot be taken to be premises, general and universal, to be "applied" to concrete situations or cases. This is the stumbling block of every law, its failure to become relevant to specific instances of action and human behavior, the situations in which human life is transacted. Principles, therefore, have meaning, and are useful in ethics, only in so far as they are signs of what God is doing in the world to make the world better and of the resistance his purposes encounter in the world; they can be regarded only as "behavioral bearers of Christian ethical insights."[2] Laws, consequently, are never exactly compelling in an ethical sense: they are simply signs of how and where human wholeness is being achieved or destroyed.

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[1] P. Tillich, Morality and Beyond, 93-94. André Maurois, in his Lettres a l'Inconnue (Paris: La Jeune Parque, 1953), 32, writes: "Il faut une loi, non pour tuer l'originalité, mais pour la rendre possible. La véritable originalité s'exerce à l'intérieur de la règle. Racine et Valéry respectaient les lois de la prosodie française, et pourtant ils étaient Racine et Valéry. 'Le génie a cela de beau', dit Balzac, 'qu'il ressemble à tout le monde et que personne ne lui ressemble.' Et Alain: 'L'originalité en tous genres n'est qu'une manière inimitable d'être comme tout le monde'."

[2] P. Lehmann, op. cit., 153.

> The ethical significance of law . . . is functional, not normative. No law can be the norm or criterion of action in accordance with the will of God. Law orders human relations by exposing crucial danger spots affecting human relations and also indicates the direction of humanization. Human relations always veer toward the boundary on which the issue of the humanity or inhumanity of man to man must be fought through, and the direction of God's activity must be sighted again. Law has the function of exposing this boundary and in that sense is instrumental to the divine activity. This is the ethical significance of law, and in so far as a given law cannot be shown to perform this function, it violates Christian ethics and thus also the Christian understanding of law. Thus, the ability to compel ethical behavior is part of the economy of God whereby men are reminded that human wholeness may be served but is never achieved by law.[1]

Brunner also emphasizes this "incarnational" aspect of the law. The law is a gift from God, a means of preserving life in the present created order tainted by sin. It is, therefore, only "conditionally" binding, since it does not convey fully what God himself wills but only what he wills within this particular sinful situation. Nevertheless it must be taken into account as an expression of God's will.[2] Thus Brunner writes:

> Apart from customs and law (with the obedience to custom and law which this implies), apart from this provisional order, life is an impossibility for sinful human beings. We need this rude order as a framework for all the more refined and spiritual forms of life which are obedient to God. Even if the individual believer did not need it on his own account--which is in itself a very rash state-

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[1] *Ibid*., 146-147.

[2] E. Brunner, *op. cit*., 143.

> ment contradicted at a thousand points by experience--he would still need it for the sake of his life with those who have not been influenced by the Word of God, or who are either indifferent or hostile to it.
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> . . . .
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> The crude Lex--and with it legality--is necessary for the sake of love, because it is necessary for the sake of life.[1]

In short, the law, however imperfect, in so far as it is meant to render life possible, is rooted in God's love: "the reason why God tells us to pay attention to it is simply His love."[2] Moreover, even though ideally Brunner would agree with Lehmann in saying that the identification of the Christian with God's purposes would be enough for the individual to act in a Christian way, yet he is quite aware that this intuitive or connatural knowledge of God's purposes is not at all common, and that therefore the law is needed as the ordinary guidance for the ordinary actions of the ordinary Christian.

> We are all aware [writes Brunner] of that amazing penetrating intuition which characterizes the outstanding examples of Christian love, who, with an insight only to be compared with the genius of the great diagnostician, discover the hidden distress of others, and with amazing spontaneity do what one would have expected, because this is what love commands. But few of us possess much of this creative faculty, and most of us have very little indeed. Therefore the Commandments of the Bible--and for many people the considerations of an ethic as well--are absolutely necessary.[3]

Bishop Robinson expresses himself along the same lines. Situationism, he maintains, does not mean to throw away altogether the "dyke against the floods of relativism and subjectivism" set up by code ethics.[1] It simply wants to place respect for persons and love at the helm of the decision-making process without denying for a moment the importance of law and the principles which embody generalizations from experience. Situationism

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[1] Ibid., 141-142, 143.

[2] Ibid., 143.

[3] Ibid., 148-149.

> does not in the least deny the need for a "net." No person, no society, can continue or cohere for any length of time without an accepted ethic, just as ordered life becomes impossible without a recognized legal system or a stable economy. And the Christian least of all can be disinterested in these fields. The more he loves his neighbour, the more he will be concerned that the whole ethos of his society--cultural, moral, legal, political and economic--is a good one, preserving personality rather than destroying it.[2]

In fact, situationism's very emphasis on love and responsibility rather than on blind or servile obedience to law makes the concern with principles even more necessary:

> Such an ethic cannot but rely, in deep humility, upon guiding rules, upon the cumulative experience of one's own and other people's obedience. It is this bank of experience which gives us our working rules of "right" and "wrong," and without them we could not but flounder. And it is these, constantly re-examined, which, in order to protect personality, have to be built into our codes of law.[3]

Bonhoeffer's treatment of the Christian's relationship to the law is not complete or fully developed. He speaks of the law when discussing Luther's writings on the primus usus legis, but his treatment is restricted to an examination of the Symbolic writings and their meaning.

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[1] J. A. T. Robinson, Honest to God, 113; Christian Morals Today, 33.

[2] J. A. T. Robinson, Christian Morals Today, 12.

[3] J. A. T. Robinson, Honest to God, 119-120.

Elsewhere in his Ethics, however, Bonhoeffer seems to adopt quite extreme positions with regard to the law. Thus, for instance, he affirms quite clearly that "Principles are only tools in God's hand, soon to be thrown away as unserviceable."[1] This, it would seem, has to be understood in the context of Bonhoeffer's analysis of the ethical and the Christian spheres of behavior.

For him, the ethical is the sphere of man's nature, the dimension in which man the sinner moves and operates, a dimension which conceivably requires laws and principles of a human nature to regulate behavior. But this sphere of law is transcended when the individual moves to the sphere of Christian behavior. Here the ordinary law is superceded, and the law of love takes its place. The Christian, therefore, is never without a law, but the content and meaning of this law is quite different in each of its different levels.[2]

Bonhoeffer's views are quite similar to those of Fletcher in that both place the law of love at the summit. But Fletcher addresses himself much more specifically to the Christian's relationship toward ethical rules and principles than does Bonhoeffer. This is understandable, since Fletcher presents situationism as very definitely opposed to legalism of all sorts.

Fletcher is quite ready to accept the existence of the law, as emanating from the public order, from man's social nature, and as imposing, therefore, some restrictions on the particular individual.[1] It is precisely because of this that it makes sense to talk of a private and a public order, i.e., of an order of freedom, individual and private, and an order of structure and law, social and public.[2] There is nothing disturbing about this, no undue limitation, no capricious restriction.[3] Situationism, Fletcher maintains, must not be understood as holding the position that ethical principles are restrictive per se, and that ethics,

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[1] D. Bonhoeffer, Ethics, 69.

[2] Ibid., 247.

> whether religious or not, is to be separated from society and social practice; on the contrary, ethics always limits individual or private freedom by subordinating it to the social or public interest--to neighbor-concern.[4]

Situationism's real objection to principle and law is to the supremacy they hold in code ethics over neighbor-concern and love,[5] a supremacy which relegates freedom, love and responsibility to a position of secondary importance, and at the same time, deprives human behavior of spontaneity and elasticity.[6] Except for this proviso,

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[1] Cf. J. Fletcher, Moral Responsibility, 109.

[2] Ibid., 107-108.

[3] Ibid., 164.

[4] Ibid., 105.

[5] J. Fletcher, Situation Ethics, 137: "It may be, on some balanced view, that true order presupposes freedom and freedom presupposes order, but just the same, it is order that looms largest in the legalist's eye." And again: "Situation ethics gives high-order value to freedom, and to that responsibility for free decision which is the obverse side of the coin of freedom" (Ibid., 138).

[6] Situation ethics "simply refuses to accept any principle, other than neighbor-concern, as always binding. It is, therefore, an ethics of tremendous personal responsibility and initiative--and an ethic for a social policy which is nondoctrinaire and elastic" (J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 326).

> Situationists acknowledge that law and order are not only necessary but actually good, wherever and whenever they promote the best interests of love. Christian ethics . . . needs both love-justice and law-order. Indeed, each presupposes the other. Situation ethics welcomes law for love's sake sometimes, all depending.[1]

Consequently, as Fletcher clearly states,

> The situationist enters into every decision-making situation fully armed with the ethical maxims of his community and its heritage, and he treats them with respect as illuminators of his problems.[2]

From all this it is quite obvious that Fletcher, at least by his formal statements, does accord principles a certain value and importance in the process of ethical decision-making. Men, after all, are social; their behavior takes place within a community, within a culture; his decisions are expressible in language which is public, whose meaning does not depend on the individual's whim and fancy.[3] It would seem, therefore, that Fletcher is justified in complaining that some moralists in the U. S. have made the mistake "of thinking that the situational method procedurally is antinomian, and that it works without principles at all."[1]

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[1] J. Fletcher, Situation Ethics, 100. Elsewhere Fletcher writes: "The classic rule of moral theology has been to follow laws but do it as much as possible according to love and according to reason (secundum caritatem et secundum rationem). Situation ethics, on the other hand, calls upon us to keep law in a subservient place, so that only love and reason really count" (Ibid., 31).

[2] J. Fletcher, Situation Ethics, 26. Again: "Situation ethics keeps principles sternly in their place, in the role of advisers without veto power!" (Ibid., 55).

[3] This, basically, is implied in Niebuhr's idea of "responsibility." If our action is to be "fitting" and total, "we find ourselves led to the notion of universal responsibility, that is, of a life of responses to actions which is always qualified by our interpretation of these actions as taking place in a universe, and by the further understanding that there will be a response to our actions by representatives of universal community, or by the generalized other who is universal, or by an impartial spectator who regards our actions from a universal point of view, whose impartiality is that of loyalty to the universal cause." (H. R. Niebuhr, The Responsible Self, 87-88).

On this Fletcher is quite definite. Situationism does reject law, especially the static and inflexible law that allows no freedom of decision.[2] But it differs from antinomianism in that the latter, besides laws, rejects principles as well. Situationism, on the other hand, accepts principles, and the one absolute law of love.[3] In Fletcher's eyes, therefore, situationism continues to maintain its middle position.[4]

At this stage, however, we cannot be satisfied with Fletcher's claim. Although verbally his position is quite definitely within the bounds of situationism, one can very pertinently ask whether or not this position is, in fact, still held when it comes down to actually making use of "principles generally valid" within the process of decision-making. The question, in other words, is this. Taking Fletcher's approach as a whole, does he accord principles the actual importance he grants them verbally? Is he a situationist in fact, and not merely in words? Granted that situationism in general steers clear off the Scylla of legalism and the Charybdis of antinomism, does Fletcher's skiff flounder when actually negotiating the strait?

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[1] J. Fletcher, Situation Ethics, 146-147.

[2] Ibid., 32.

[3] J. Fletcher, Moral Responsibility, 176-177.

[4] J. Fletcher, Situation Ethics, 31: "Because of its mediating position, prepared to act on moral laws or in spite of them, the antinomians will call situationists soft legalists, and legalists will call them cryptoantinomians." See also ibid., 137.

"Principles Generally Valid"

For Fletcher, ethics, to be realistic, must take its point of departure from actual, real problems.[1] Situationists, he says, are chary of abstractions, generalizations, especially when these are far removed from concretion and the reality of actual circumstances.[2] Generalizations are suspect because being too far removed from actual, concrete circumstances, they fail to do justice to the details of the moment: their applicability becomes dubious. They are suspect, too, because their abstract quality tends to render them inflexible and, therefore, useless within the fluid and changeable context of human behavior. This is the fault of laws and rules in traditional code ethics. Situationism avoids this pitfall by subordinating principles and generalizations to the circumstances obtaining in particular cases.[3]

Now this entails at least two important conclusions that can help us understand the meaning Fletcher gives to principles. First of all, all principles will be considered as useful or valid only in so far as they help one understand the situation, only in so far as they do not negate the fluidity of the situation, only in so far as they are "relative" to the situation.[1]

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[1] *Ibid.*, 158-159.

[2] J. Fletcher, *Moral Responsibility*, 8.

[3] J. Fletcher, "Why 'New'?" 189.

> It is necessary to insist /writes Fletcher/ that situation ethics is willing to make full and respectful use of principles, to be treated as maxims but not as laws or precepts. We might call it "principled relativism."[2]

Consequently, no principle is to be considered as obligative or forceful within a situation. In concrete circumstances, the situation's particularity takes precedence over the principle. In other words, no principle, no matter of what nature, is ever categorical. Commenting on Kant's "categorical" imperative, Fletcher clearly states his point: "We recognize no imperatives at all except hypothetical ones: i.e., an action is imperative only if the situation demands it for love's sake."[3]

Of course, when Fletcher insists that no principle is ever categorical or universally applicable he really means to say that no principle is valid except love. Love is the only universal, and the increment of love in human lives the only duty. But all other secondary principles are purely hypothetical, to be discarded freely as unserviceable (in Bonhoeffer's phrase) if love demands it within the situation.

Put differently, this means that love, while remaining the only reason or justification for moral action, remains forever relative in the shape or form of its embodiment in particular actions. Any sort of action can count as loving or love-producing within a situation, and what makes it so is not its agreement with any principle or principles but only its being loving within the situation. In Fletcher's words:

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[1] "Principles are always sound but not in every case" (J. Fletcher, Situation Ethics, 141).

[2] Ibid., 31.

[3] Ibid., 129. Cf. M. Singer, op. cit., 217-299.

> When love reigns, not law, the decisions of conscience are relative. Love plots the course according to the circumstances. . . . What is right is revealed in the facts: *Ex factis oritur jus*. But once the relative course is chosen, the obligation to pursue it is absolute. . . . The obligation is absolute; only the decision is relative. Only the *how* is relative, not the *why*. This is why we have said that the task is "to find absolute love's relative course."[1]

In brief, love is absolute, the deed is relative;[2] principles are always subsidiary. This brings us to the second point to be noted in Fletcher's understanding of principles, a point intimately connected with the first one. For Fletcher, principles and rules, which he distinguishes only verbally, have the meaning of practical generalizations, rules of thumb, maxims, concerned with the "know-how" of life.[3] His 'principles generally valid," the "law and order of society," in so far as these can be expressed in principles, are no more than wise suggestions distilled from one's own or mankind's experience. Briefly, something like grandma's cooking tips.[4]

Such practical generalizations, of course, can be disregarded with impunity. The fact that they are called "generalizations" must not lead us to infer that they are validly universalizable. Fletcher is quite explicit on this point, and it is against this background of explicit rejection of valid generalizations that his statements about "principles generally valid" must be understood. He writes:

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[1] J. Fletcher, *Situation Ethics*, 144.

[2] *Ibid.*, 149.

[3] *Ibid.*, 28. See also P. Ramsey, *Deeds and Rules in Christian Ethics*, 166 (footnote 15).

[4] Actually, Fletcher himself calls them "operational directives" (J. Fletcher, *Situation Ethics*, 55).

> There are usually two rules of reason used in moral inquiry. One is "internal consistency," and nobody has any quarrel with it--a proposition ought not to contradict itself. The other is "external consistency" (analogy), the principle that what applies in one case should apply in all similar cases. It is around this second canon that the differences arise. Antinomians reject analogy altogether, with their doctrine of radical particularity. Situationists ask, very seriously, if there ever are enough cases enough alike to validate a law or to support anything more than a cautious generalization.[1]

And still more explicitly, addressing himself to the generalization argument, "What would happen if everyone did that?" or "How would you like it if everyone did that?"[1] he states:

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[1] J. Fletcher, Situation Ethics, 32. Because of his failure to proceed beyond the stage of considering principles purely as maxims or summary rules, Fletcher lapses into act-agapism, the situational parallel of act-utilitarianism. For a fuller discussion of this issue, see P. Ramsey, Deeds and Rules in Christian Ethics, 159-176. The background material for this discussion requires the study of W. Frankena, Ethics, 29-35; R. M. Hare, op. cit., 130 ff.; William K. Frankena, "Love and Principles in Christian Ethics," 203-225; John Rawls, "Two Concepts of Rules," Philosophical Review, LXIV, No. 1 (January, 1955), 3-32; Paul Ramsey, "Two Concepts of General Rules in Christian Ethics," Ethics, LXXVI (1966), 192-207, reprinted in Deeds and Rules in Christian Ethics, 123-144.

It is not act-agapism per se that is objectionable, but the exclusive use Fletcher makes of it. Such an attitude, in fact, means that no importance whatever is accorded to the structures of civilized society.

In brief, as Ramsey points out, "it is doubtful that this notion of summary principles or rules can ever be a sufficient account of rules of social practice, a sufficient philosophy of law or man's communities, or an adequate doctrine of justice and human rights, or a sufficient interpretation of the covenants of life with life enacted and mandated by God's covenant with men" (P. Ramsey, Deeds and Rules in Christian Ethics, 163).

> At first sight this looks like a realistic awareness that there are remote as well as immediate consequences to be taken into account in every decision. But actually it is only another disguise for Kant's abstract rule that every act in order to be moral must be universally willed. There is no human act, no matter how lovingly willed, which could not lead to evil if the circumstances were of a certain pattern--and to say "universal only for exactly similar conditions" is to run away from the variety of life.
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> . . . .
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> The "generalization argument" (What would happen if everybody did it?) is actually one of the maneuvers used to discredit personal responsibility and leave law in control. It is a fundamentally antisituational gambit. It is a form of obstructionism, a delaying action of static morality.[2]

This is not the place to discuss the validity of Kant's categorical imperative nor its connection with the generalization argument.[3] But a few points pertaining to our general purposes must be made here since they will help us establish very precisely Fletcher's attitude toward principles and, consequently, the exact locus of his brand of situationism.

The Meaning of Universalizability

The first question to be asked here is, of course, whether or not Fletcher is justified in his statements about the generalization argument.

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[1] M. Singer, op. cit., 61 ff.

[2] J. Fletcher, Situation Ethics, 130-131.

[3] Cf. M. Singer, op. cit., 217-299. The present writer finds himself in substantial agreement with Singer's detailed treatment of this issue.

The generalization argument, in its valid form, involves the application of the generalization principle,[1] i.e., the principle of universalizability, or, as it is also called, the principle of justice or equality.[2] Briefly, the generalization principle can be stated thus: What is right for one person must be right for a similar person in similar circumstances. Or, in what Singer calls a "form especially appropriate to the generalization argument," the principle may be stated thus: "_If not everyone ought to act or be treated in a certain way, then no one ought to act or be treated in that way without a reason_."[3] In terms of the principle of justice or equality, this means that

> what ought to be done in any particular situation or by any particular person ought to be done in any other situation or by any other person unless there is some relevant difference in the situation or person in question. The mere fact that situations or persons are not identical must never be taken as a ground for making distinctions. If reasons hold in one situation then they hold in any other unless further reasons can be adduced which indicate a relevant difference.[4]

This means, in short, that justice demands an equality of application unless relevant reasons or factual differences can be adduced in either person or circumstances or both to account for the inequality of application.

A good way to explain the general meaning of universalizability is to study it first in the context of descriptive statements. Descriptive statements are made up of descriptive terms. To use a descriptive term correctly means to use it according to its proper meaning. A statement is truly descriptive if it is in the indicative mood and if the descriptive terms in it are correctly used. Now, a characteristic of descriptive statements is that they are universalizable, that is, that they must be employed in the description of all objects similar in relevant respects to the one originally so described. In Hare's words,

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[1] M. Singer, _op. cit._, 62-63.

[2] _Ibid._, 5, 46.

[3] M. Singer, _op. cit._, 31.

[4] R. S. Peters, _Ethics and Education_, 50-51.

> If a person says that a thing is red, he is committed to the view that anything which was like it in the relevant respects would likewise be red. The relevant respects are those which, he thought, entitled him to call the first thing red; in this particular case, they amount to one respect only: its red colour. This follows, according to the definition given above, from the fact that "This is red" is a descriptive judgment. "This is red" entails "Everything like this in the relevant respects is red" simply because to say that something is red while denying that some other thing which resembles it in the relevant respects is red is to misuse the word "red"; and this is because "red" is a descriptive term, and because therefore to say that something is red is to say that it is of certain kind, and so to imply that anything which is of that same kind is red.[1]

Moral judgments are universalizable in a similar fashion, but besides their universal applicability they add another element which makes them truly moral, different from purely descriptive judgments. This added element is that of obligation or prescription, usually designated by such words as ought, must, should. Consequently, by using the term "ought" in a particular situation one logically commits oneself to its use in any other situation similar to the present one. The same applies to terms such as good, right, wrong. The conclusion is obvious. The use of any such moral term in a moral appraisal of a situation logically commits one to use it in any other situation which is similar in relevant respects.[1]

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[1] R. M. Hare, op. cit., 11.

At this point it is important to note that universalizability does not, as Fletcher imagines, involve an identity of qualities and circumstances that would destroy the variety of life. As Hare rightly points out,

> All the universalist is committed to in making a moral judgment is to saying that _if_ there is another person in a similar situation, then the same judgment must be made about his case.[2]

This commitment is simply an application of the principle of equality: unless relevant reasons or factual differences can be cited for a different appraisal, one is logically committed to making the same judgment.[3] This is logically implied in the use of the term "ought," and is the basis for the _objectivity and validity_ of moral judgments. To universalize is to give reasons,[4] reasons which can be understood by others thus making the judgment objectifiable and not purely subjective,[5] as well as reasons which are relevant, valid, and which therefore can be given in similar situations.[1] Moreover, the commitment to universalize and provide reasons need not be explicitated in every case: it is

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[1] "Anyone who makes a moral appraisal even of a remote character must be willing to apply the same criteria universally." (P. H. Nowell-Smith, _op. cit_., 177).

[2] R. M. Hare, _op. cit_., 48.

[3] "One who claims that an act is right for one person and not right for another, is involved in a logical difficulty, unless he can cite a relevant difference between the two cases" (M. Singer, _op. cit_., 39).

[4] "It is, most fundamentally, because moral judgments are universalizable that we can speak of moral thought as rational (to universalize is to give the reason)." (R. M. Hare, _op. cit_., 5).

[5] "One who makes a moral judgment or a statement having the verbal form of a moral judgment, but is unable to give reasons in support of

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it, has not really made a judgment about the action or whatever it is that is in question. Or, if we choose to call it so, his judgment is merely subjective--it is merely an indication of his attitudes (or desires or feelings). . . . On the other hand, if one is able to give reasons in support of the judgment then one's judgment is objective. This does not mean that it is necessarily correct or cannot be reasonably disputed. . . . For, even though reasons must be given, they may not be conclusive reasons or even especially good ones" (M. Singer, op. cit., 56).

Peters says basically the same: "To say that something is good is to intimate that there are reasons for doing or promoting it. These must be reasons which could induce human beings of some sort to act. Otherwise moral language could never have the function which it does have in getting people to do things" (R. S. Peters, Ethics and Education, 34; also 49-50).

[1] "The statement of a reason certainly need not be given in general or abstract terms. Nevertheless it must be generalizable. The statement of a reason, that is to say, must imply a rule or general proposition. The reason given must be capable of applying beyond the particular person in the particular situation to a class of persons in a certain type of situation. Hence to give a reason in support of the judgment that a certain individual, A, ought or has the right of some act, presupposes that anyone with the characteristics specified in the statement of the reason ought or has the right to do the same kind of act in a situation of the kind specified" (M. Singer, op. cit., 24). In other words, "A reason in one case is a reason in all cases--or else it is not a reason at all" (Ibid., 28).

Peters concurs. "Justification is a specific form of human activity which is tantamount to the demand for reasons. The demand for reasons in the sphere of conduct is the demand to base distinct forms of conduct on relevant differences discriminated in the possibilities which are open. If there is to be serious deliberation in relation to such possibilities there must be principles picking out relevant aspects. These principles must be general; otherwise they could never fulfill this function of providing criteria of relevance in advance of a decision being made" (R. S. Peters, Ethics and Education, 53).

Fletcher seems to ignore this justificatory factor of ethical analysis completely. Nowhere does he say why a particular action counts as loving and another as unloving.

implicit in the very use of the moral terms ought, good, right, wrong,[1] so that whoever uses them correctly and meaningfully logically binds himself to universalize his judgment.[2]

Again, this does not mean, as Fletcher implies, that cases are, in fact, similar, much less that they are identical. All that is involved in universalizability is that one be prepared, when making a moral judgment, and by virtue of the nature of the moral terms, to make the same moral judgment if a situation should be encountered which is similar to the present one in all relevant respects.[3] One is not committed thereby to saying that there are similar cases, much less that there are identical cases.

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[1] "Every moral judgment is intrinsically universal, and if not explicitly so, then implicitly. Every moral judgment, in other words, involves a generalization. Moral judgments thus possess what may be called the characteristic of implicit generality. . . . This is what is meant by saying that moral judgments are governed by the generalization principle" (M. Singer, op. cit., 36-37).

One might disagree with Singer's use of the term "intrinsic" in this connection, since such a statement claims more than would seem necessary for the argument. Public usage of such terms would sufficiently account for objectivity without the claim of internality.

Peters' statement avoids this difficulty. He writes: "Words like 'ought,' 'wrong,' 'good,' and 'bad' typically feature in a form of discourse which has not only the practical function of determining action but also the function of doing this by the production of reasons. To give reasons, if it is done seriously and with a determination to decide in terms of reasons, is to put a matter up for public discussion. It is tantamount to the admission that the decision must depend not on the authority or private whims of any individual but on the force and relevance of the reasons advanced" (R. S. Peters, Ethics and Education, 29).

[2] "The thesis of universalizability itself . . . is still a logical thesis. . . . By a 'logical' thesis I mean a thesis about the meaning of words, or dependent solely upon them. I have been maintaining that the meaning of the word 'ought' and other moral words is such that a person who uses them commits himself thereby to a universal rule" (R. M. Hare, op. cit., 30).

[3] "Since we cannot know everything about another actual person's concrete situation (including how it strikes him, which may make all

Even from the point of view of logical cogency, it should be clear that universalizability does not commit one to saying that of two different actions performed in similar circumstances, one must be catalogued as wrong. Similarly, the generalizability implicit in a moral judgment does not rule out exceptions. All that is said is that reasons--and relevant reasons, at that--must be proferred in every case, that one cannot claim exceptions whimsically and without justification,[1] and that

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the difference), it is nearly always presumptuous to suppose that another person's situation is exactly like one we have ourselves been in, or even like it in the relevant particulars" (R. M. Hare, op. cit., 49).

Universalizability, in other words, does not commit one to saying that there are similar cases, nor to specifying which are so.

[1] Although it is true that, as Singer puts it, "There can be no genuine moral judgment apart from reasons, and no moral reasons apart from the generalization principle" (M. Singer, op. cit., 34), it is equally true that there are exceptional cases which seem to form a class by themselves, as it were, a class consisting of just one instance. Such cases, of course, fall outside or beyond the generalization that applies to other similar cases, and usually reasons can be given that show why they are exceptional.

Situationists in general, and Fletcher in particular, are quite right to insist that such exceptional cases cannot be covered by any "principle generally valid." In Edel's words, "It cannot be assumed a priori that moral rules . . . are to be found for all moral situations. Singular moral statements may alone be possible in complicated fields in which decision seems to require a kind of synthetic grasp which cannot be expressed as a reckoning of distinct aspects. At least the possibility of such must be admitted. . . . These are the cases in which one is often told simply to follow one's conscience, on the assumption that conscience is a synthetic faculty which puts together the moral claims of the particular situation in a single comprehending judgment. Philosophers who lay most stress on complex particular situations are prone to look down on rules as static abstractions, and to underscore the uniquely creative character of man in moral decision" (A. Edel, Ethical Judgment, 49).

therefore different actions in similar circumstances may be right if, in the evaluations concurrent with the judgment-making process, relevant reasons and facts have been found which vouch for their difference.[1] To conclude, one may quote Bennett's estimate of Fletcher's understanding of "principles generally valid":

This possibility, however, is not denied by the principle of generalizability. In fact, there is no reason why generalizability cannot apply even in the making of a moral judgment in an exceptional situation. What Singer writes about exceptions in general applies here also: "It is possible for the rule of have exceptions, for it . . . is possible to have a justification for going against it. Whether a particular case is an exception to the rule is determined by specifying in a more detailed way the circumstances of the act in question. If the circumstances of the act are such that in those of similar circumstances it would not be desirable for everyone to act in that way, then in those circumstances the act would not be wrong. . . . Hence in justifying an exception one is actually justifying a *class* of exceptions, and is thus, in effect, modifying the understanding of the original rule by restricting its scope" (M. Singer, *op. cit*., 124).

It would seem, therefore, that while Fletcher rejects the principle of generalizability because of the possibility of unique, quite exceptional instances, he is, *in fact*, applying it in the formation of an ethics of generalized exceptional cases. Thus, for instance, while rejecting the *ceteris paribus* qualification of ordinary universalizable moral judgments, he attaches to all "principles generally valid" and exception-making criterion that often is quite specific. For instance, Fletcher would say that the principle "Lying is wrong" must be qualified by "unless, in the situation, love demands it," or "except to save a life" (understanding that love would demand this). But this, as Ramsey points out (P. Ramsey, *Deeds and Rules in Christian Ethics*, 220-223), is to specify a *class* of falsehoods which one is right in telling. This, as Singer suggested, is an application of the principle of universalizability.

[1] Universalizability forbids us "to make different moral judgments about actions which we admit to be exactly or relevantly similar. The thesis tells us that this is to make two logically inconsistent arguments" (R. M. Hare, op. cit., 33), unless, of course, "there is some relevant difference in the situation or person in question. The mere fact that situations or persons are not identical must never be taken as a ground for making distinctions. If reasons hold in one situation then they hold in any other unless further reasons can be adduced which indicate a relevant difference" (R. S. Peters, *Ethics and Education*, 50-51).

> Fletcher says that the contextualist is well armed with "generally valid" principles but (is) prepared to modify, suspend or violate any principle or "general rule" if in the situation the command to love the neighbor is better served. The situationist always remembers that he is commanded to love persons--not precepts or even principles. This is doubtless true, but I believe that many others involved in this discussion would insist that when we violate one "generally valid" principle, we must know what we are doing and what we may be sacrificing. There would be few cases in which we would be unable to give reasons for making the exception that would reflect other generally valid principles. The word "principle" may itself be too static, but usually we find that in these cases there is a conflict of some sort between generally valid considerations, and moral judgments involving some weighing of these, even though this may be done so quickly that it seems to be a momentary intuition. But afterward, when what is done is defended or when it is suggested that it may bring some light to another situation, such weighing of contrary considerations is bound to become more deliberate. Love unguided by any tested considerations can be very blind and often very wrong.[1]

Is Universalizability Antisituational?

Another misconception apparent in Fletcher's statements is the assertion that generalization argument is antisituational. But this, as Singer remarks, is "a curious misconception" that would interpret the argument "If not everyone ought to act in a certain way (because the consequences of everyone's acting in that way would be undesirable), then no one ought to act in that way without a reason" as implying that the consequences of someone's acting in that way would also be undesirable, an implication that would, of course, preclude exceptions justified by reasons.[2] But this is not, in fact, implied by the generalization argument. What the argument implies is that the frequency or number of actions specified in the argument would have undesirable consequences, not that the performance of one such action would invariably have undesirable consequences.[1] The argument certainly establishes a presumption against the particular action, but it does not prove that the particular action must have undesirable consequences. In other words, a presumption is established against the action as such, because similar actions are known to have had undesirable consequences. But this does not mean that the consequences of one such action must be wrong, or will be wrong. This is a factual matter that can be ascertained only *post factum*. And where an individual has sufficient and valid reasons to conjecture that the consequences of his own particular action might not be undesirable; and when he has sufficient and valid reasons to consider his own purported action as possibly constituting an exception to the generally established principle embodying the specified type of action known to generally have undesirable consequences, then it can be safely said that he is not bound, simply, by this particular application of the generalization argument.[2]

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[1] J. C. Bennett, "Issues for the Ecumenical Dialogue," 376.

[2] Cf. M. Singer, op. cit., 91.

The reason for this is not too difficult to find. It is simply the fact that the generalization argument and the generalization principle are not the only moral principles applicable in any particular situation. In fact, the generalization argument, as we stated it above, includes parenthetically the so-called principle of consequences: "If the consequences of one's doing x would be undesirable, then one ought not to do x."[1] But this statement, as Singer remarks,

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[1] *Ibid*., 92-93.

[2] "The application of the generalization argument presupposes, and does not by itself determine, that the consequences of everyone's acting in a certain way would be undesirable. Where this point is problematic, so is the application of the generalization argument, and where it does not hold, the argument will have no force" (M. Singer, *op. cit*., 11).

> does not by itself determine the meaning of the term "undesirable," or what is desirable or undesirable, or how the various consewuences of an action are to be weighed against each other in order to determine whether they are undesirable on the whole. Agreement on the principle is quite consistent with disagreement on these latter questions.[2]

This leaves the door open for the fluidity asked by situationism, requiring, at the same time, that actions and their consequences, as well as the particular circumstances, be specifically detailed so as to preclude misunderstandings and the appearance of irreconcilable conflict.[3]

However, one still has to reckon with the presumption established by the generalization argument against the performance of a certain kind of action whose consequences are generally proven to be undesirable. This presumption does not seem to be considered by Fletcher. In fact, his assertion that situationists "very seriously" question the existence of analogous instances or cases,[4] would seem to preclude its consideration altogether.

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[1] M. Singer, op. cit., 63-64.

[2] Ibid., 65.

[3] Ibid., 104-106.

[4] J. Fletcher, Situation Ethics, 32.

This omission seems rather strange when one considers that Fletcher, in his discussion of love-justice, includes "prudence" as one of the characteristics or qualities of agapê. "Prudence and love," he writes, "are not just partners, they are one and the same . . . since they both go out to others."[1] That is to say, since love must needs consider the neighbor's interests, it must of necessity be discriminating, careful, prudent, distributive.[2] But while the distributive and discriminating aspects of love--the qualities that belong to justice--are developed in detail, nothing is said particularly about prudence, or what it entails for love to be prudent.

It is in this connection, precisely, that the presumption established by a generalization would seem to form part of love. For if neighbor concern is seen as requiring at times, and within specific situations, that "principles generally valid" be disregarded so as to serve love better, one fails to see why the same neighbor concern may not require at times, and within certain circumstances, that the "principles generally valid" be upheld and respected. Nay more, it may be that the very nature of prudence as neighbor concern demands a more careful adherence to "principles generally valid" precisely so that love may be better served, especially when one considers the presumption in favor of some principles. This point may be best expressed in Moore's own words, since he treats this matter explicitly. According to him, since

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[1] Ibid., 87-88.

[2] "Faced as we always are in the social complex with a web of duties, i.e., giving what is 'due' to others, love is compelled to be calculating, careful, prudent, distributive" (J. Fletcher, Situation Ethics, 89). (Emphasis added.)

> it is impossible to establish that any kind of action will produce a better total result than its alternative *in all cases*, it follows that in some cases the neglect of an established rule will probably be the best course of action possible. The question then arises: Can the individual ever be justified in assuming that his is one of these exceptional cases? And it seems that this question may be definitely answered in the negative. For, if it is certain that in a large majority of cases the observance of a certain rule is useful, it follows that there is a large probability that it would be wrong to break the rule in any particular case; and the uncertainty of our knowledge both of effects and of their value, in particular cases, is so great, that it seems doubtful whether the individual's judgment that the effects will probably be good in his case can ever be set against the general probability that that kind of action is wrong. Added to this general ignorance is the fact that, if the question arises at all our judgment will generally be biased by the fact that we strongly desire one of the results which we hope to obtain by breaking the rule. It seems, then, that with regard to any rule which is *generally* useful, we may assert that it ought *always* to be observed, not on the ground that in every particular case it will be useful, but on the ground that in *any* particular case the probability of its being so is greater than that of our being likely to decide rightly that we have before us an instance of its disutility.
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> . . . .
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> But moreover the universal observance of a rule which is generally useful has, in many cases, a special utility, which seems deserving of notice. This arises from the fact that, even if we can clearly discern that our case is one where to break the rule is advantageous, yet, so far as our example has any effect at all in encouraging similar action, it will certainly tend to encourage breaches of the rule which are not advantageous. We may confidently assume that what will impress the imagination of others will not be the circumstances in which our case differs from ordinary cases and which justify our exceptional action, but the points in which it resembles other actions that are really criminal.

> In cases, then, where example has any influence at all, the effect of an exceptional right action will generally be to encourage wrong ones.[1]

Now, if our understanding of Moore is correct, this does not mean that one can never justify an exception in one's favor. It does not mean, either, that one must always conform to a general rule even when the rule is felt to be wrong.[2] The point which Moore is trying to put across is, simply, that generally speaking one is likely to do better--be more loving to one's neighbors--by conforming to a generally valid rule than by exempting oneself from its observance. And this because of three reasons: (1) the difficulty involved in assessing the possible consequences of one's particular action, especially as exceptional, i.e., as not covered by the general principle; (2) the obvious difficulty encountered when one tries to be objective about oneself; (3) the social responsibility entailed in one's behavior being an example to others. Because of these reasons it becomes less probable that the considerations offered in justification of one's exceptional behavior will in fact outweigh the probable good that the general principle is designed to accomplish. But such justification in our own favor is by no means ruled to be impossible. One is simply reminded of the difficulties consequent upon the conscientious attempt to justify one's actions seriously and responsibly. One could say that _theoretically_, or even _ideally_, the possibility of exceptions remains always open whenever valid reasons can be mustered in justification, though _in practice_, or _ordinarily_, it might be more prudent to abide by the established general principle. As Burnett Easton puts it, having in mind the ordinary layman,

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[1] George E. Moore, Principia Ethica, 162-163.
Singer, op. cit., 129-133, is of the opinion that Moore's argument is overrestrictive. It seems to the present writer, however, that Moore's point is a valid one, that it need not be interpreted as an "argument for the maintenance of the status quo," and that basically it is not at variance with the generalization argument.

[2] It is true that Moore, op. cit., 164, asserts that "the general utility of an action most commonly depends upon the fact that it is generally practiced: in a society where certain kinds of theft are the common rule, the utility of abstinence from such theft on the part of a single individual becomes exceedingly doubtful, even though the common rule is a bad one." Singer's objection to this would be understandable if that were all Moore says. In fact, Moore goes on to say that the presumption in favor of the rule cannot be confidently asserted to be always "greater than that of the individual's power to judge that an exception will be useful; since we are here supposing certain one relevant fact--namely, that the rule, which he proposes to follow, would be better than that which he proposes to break, if it were generally observed. Consequently, the effect of his example, so far as it tends to break down the existing custom, will here be for the good."

Moore, it would seem, is primarily concerned with the difficulty involved in the justification of one's own exception to a general rule, a difficulty which, he thinks, makes the presumption in favor of the general rule stronger, though never absolutely unquestionable.

> _While as intelligent people trying to be honest about the issues of life, we recognize that every moral absolute, in certain situations, can have an exception, yet as Christians we preach and teach moral absolutes_.[1]

The Anomie of Fletcher's Situationism

Up to this point, one of the recurring difficulties we have encountered has been that of establishing a locus for situationism within the spectrum of ethical positions vis-à-vis the strictness of legalism, on the one hand, and the openness of antinomism, on the other. The difficulty has been enlarged by the fact that neither legalists nor antinomists are as narrow-minded in their own views as one would be led to believe at first brush.[1] Another difficulty has arisen from the fact that situationists, including Fletcher, claim to differ from antinomists by their concern for "principles generally valid." The question, then, awaiting final resolution, is whether or not the formal disclaimers of extemporaneity are factually verifiable.[2] As Ramsey sees it,

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[1] W. Burnett Easton, Jr., "Ethical Relativism and Popular Morality," _Theology Today_, XIV (1958), 476. See also P. Ramsey, _Deeds and Rules in Christian Ethics_, 125-126.

> There are two possibilities for situation ethics . . .: (1) Either situation ethics must clearly admit the position to be subjectivism or an ethics entirely on inner attitude, which would amount to much the same thing as the existential ethics of the moment rejected at the outset. . . . (2) Or, on the other hand, situation ethics might take a turn in the other direction, and responsibly undertake the description and characterization of behavior upon the basis of which some account might then be given of the loving and the unloving thing to do.[3]

As we have seen above, most situationists are ready to admit that without the guidance and steadying influence of rules and principles moral man cannot but flounder. Most situationists do, in fact also, work out the manner in which principles are used in a characteristically contextual approach.

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[1] "It is incredible how Fletcher, learned man that he undoubtedly is, can actually believe that on his overly simplified definitions the only alternatives to his own ethical theory are legalists who 'absolutize' ethical principles and extemporists who make decisions without any principles at all" (P. Ramsey, Deeds and Rules in Christian Ethics, 146 /footnote 2/).

[2] "Now, formally speaking, Fletcher locates situation ethics in between these two extremes /of law and anomie/. We shall have to inquire whether materially his ethics can be located in this middle position; whether his own polemics do not drive him to a position indistinguishable in practice from antinomianism with its denial that there is any connective tissue between one situation or moment of experience and another" (P. Ramsey, Deeds and Rules in Christian Ethics, 146).

[3] Ibid., 214.

This can be seen most clearly in the manner in which love, the supreme and only absolute situational law, embodies itself even in principles and rules.

> Love [writes Brunner] is not merely an isolated act. Even in ourselves natural love, erotic love, for instance, is not genuine if it does not develop from "being in love" into real love. Only when a person is truly "in love" is it possible to love. Love is a personal form of existence. Love is not an abstract form of loving, but it is the flowing forth of love.[1]

Love, therefore, even contextually, does not just "happen" in a vacuum. First of all, because, as Ramsey puts it, love is not made of disparate actions but of activities which are continuous at least within the human and social context.[2] Love, as Brunner says, in its particularities, is not truly love unless it flows out of "being in love." But the fact is that "being in love" happens within the context of human structures, because "being in love" happens to a human being who is a living part of these structures: one lives love in the same way as one lives one's social being.[3] In Tillich's view, one lives one's love precisely through the structures of law and society, so that love, far from rejecting the continuities of human life searches for them in order to live more fully. Without this embodiment of love in the structures of principles one cannot ever know what really counts for love.[1]

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[1] E. Brunner, op. cit., 164-165.

[2] Cf. P. Ramsey, Deeds and Rules in Christian Ethics, 164.

[3] In Ramsey's view, the question to ask is: "What are we to be as creatures of God's ordinances, to be in being-with one another in the communities we live? not What are we to do occasionally, frequently, or 'generally'?" For after all, "There are structures of life into which we are called; and practices into which every man is born who ever was born" (Ibid., 164).

> This situation in ethics [writes Niebuhr] has its parallel, I believe, in science which beyond all generalities seeks the universal in the particular and operates as if with universal intent. It does not proceed from a known or defined universal to the particular as an earlier rationalism did, but moving toward the particular it seeks in it the pattern that is verifiable by other knowers; in seeking the relations of patterns to patterns it seeks what is verifiable in universal knowing. Though science does not undertake to know the universal, it seeks to interpret each particular occasion by reference to more general patterns so that the movement is toward the universal. It operates with universal intent. And in the appeal for verification, or in accountability as it figures in our knowing, there is the same latent appeal to a universal knowing as in the movement of self-judgment there is the appeal to a universal evaluating.[2]

Love, in other words, besides flowing from one's "being in love," seeks for continuities and patterns through which to express itself *precisely as continuous*. This is the second point to be mentioned in connection with love's relationship to structures and "principles generally valid." Love is a "principle," an *archê*;[1] and precisely as principle it seeks continuities in which to embody itself ever anew, thus helping to build new societal structures.

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[1] Love, in true situationism, "leads to love-embodying principles of conduct . . . making use of principles of various sorts with their varying prudential applications to concrete situations" (P. Ramsey, ibid., 175).

To deny this is enough for an ethics to become at root an ethics of subjective intentions, a Gesinunngsethik or attitudinal ethics (J. Fletcher, Situation Ethics, 79). If such is the case, "no books can henceforth be written on ethics. The only volume needed would be one containing the single statement that love is this inner attitude having no significant expression because it has every expression since anything and everything can count as its expression and a great variety of things can count for love in the same situation" (P. Ramsey, ibid., 211).

To affirm love's embodiment in human structures, on the other hand, does not commit one to affirming any degree of internality of value: objectivity would suffice. "The issue is . . . what counts for responsible loving action in contrast to irresponsible unloving action within a particular situation" (Ibid., 214).

[2] H. R. Niebuhr, The Responsible Self, 88.

While most situationists recognize this and accordingly incorporate principles within their contextual ethics, Fletcher seems to stand alone in this respect, paying only lip-service to principles but denying them in actual fact.[2] While verbally his relativism is "relative" to the absolute of love, factually his misunderstanding and mishandling of principles destroy love itself as an absolute, rendering his relativism "absolute." He writes, it is true, that

> To be relative, of course, means to be relative *to* something. To be "absolutely relative" (an uneasy combination of terms) is to be inchoate, random, unpredictable, unjudgeable, meaningless, amoral--rather in the antinomian mode. There must be an absolute or norm of some kind if there is to be any true relativity. This is the central fact in the normative

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[1] J. Fletcher, *Situation Ethics*, 45. Here, we are using the term *archê* and its Latin-English counterpart "principle" in its fullest Greek sense, i.e., as implying both "beginning" or starting point (as opposed to "end") and "governance" or continuous involvement in and influence upon that which is originated.

[2] As Ramsey remarks in Fletcher's ethics, "Instead of salutary reference to the community's thinking on ethical questions, and to its deposit of ethos, the stress falls upon the fact that 'every man is his own casuist when the decision-making chips are down'." Fletcher "passes over in complete silence the problem of constructing an ethos of some or of any sort in areas of human life that have important social dimensions" (P. Ramsey, *Deeds and Rules in Christian Ethics*, 151, 153).

At the level of principles, Fletcher stands alone among situationists. (Cf. Ramsey, *ibid*., 168 [footnote 18].)

> relativism of a situation ethic. It is not anarchic (i.e., without an *archê*, an ordering principle). In *Christian* situationism the ultimate criterion is . . . "agapeic love." It relativizes the absolute, it does not absolutize the relative.[1]

But if love has not embodied itself in the structures of human behavior or in the ethos of society; if love has not sought to be creative within the conformities of the human and social ethos; if love, in short, is not a "principle" or *archê*, wherein is it "absolute"? To say that love's absoluteness consists solely in the exceptionless *command* to love means, factually, nothing, unless one knows what counts as love.[2] From this point of view Fletcher's ethics fails to be situational.[1] The same is clear from his treatment of cases.[2] Situationism in general may be considered as holding its position "in between" the extremes of legalism and antinomism. But Fletcher's ethics, despite his verbal assertions, lapses definitely into the chaos of anomie. In Ramsey's words, Fletcher's failure in this connection places him, to say the least,

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[1] J. Fletcher, *Situation Ethics*, 44-45.

[2] It might appear at first sight that Fletcher gets around this difficulty by insisting that what is distinctive and unique about Christian situational ethics is its Christological emphasis. Neither *agapê* nor *eucharistic agapê* are, in the last recourse, *the* distinctive characteristics of Christian situational ethics. Its uniqueness is that "It is a Christological ethic, not simply a theological ethic. When Bonhoeffer speaks of how Christ 'takes form' among us here and now, this is his rather mystical but nonmetaphysical way of saying that every ethical imperative is contextual or situational, not propositional--but it is Christ who takes form with us when we conform to his commandment. Take away the doctrine of the incarnation and the Christian ethic is nothing special whatsoever" (J. Fletcher, *Situation Ethics*, 157).

Fletcher insists, therefore, that before we ask the ethical question, "What shall I do?" we have to ask a *pre*-ethical question, "What has God done?" But surely, any meaningful answer to this question involves a principled interpretation: either Christ's life is considered as an unchanging "norm" to be "applied" to every case; or else general principles are derived from Christ's life which, again, must be "applied" particularly. In either case principles are involved.

Moreover, with reference to "the doctrine of the incarnation" which, Fletcher thinks, makes Christian ethics unique: Fletcher seems to forget that "incarnation" does not mean only "enfleshment" but "enlettering" as well. The full epiphany of God's "Word" (i.e., the total manifestation of God-as-Self-revealing) is not restricted to an "appearance in the flesh" alone but in events also, and in nature, in social structures, and in "words." (Cf. P. Tillich, *Systematic Theology*, I, 157-159). As Bossuet put it, "He has taken a kind of second body, namely, the words of the Gospel."

We do not agree with Fletcher in considering this incarnational aspect as unique to Christianity. But this is not the matter for discussion here. The point is that one cannot arbitrarily uphold some aspects while rejecting others. If Christ "takes form" in us when we "conform to his commandment" of love, so does he "take form" in us when we conform to his other commandments. Moreover, Christ does not merely "take form" in us: he "takes form" also in "words" of laws and principles. Here again one cannot avoid involvement with principles.

One might wonder if Fletcher has in mind some sort of instinctive awareness of what it means "to be like Christ" or to do something in answer to "what God has done." But he never speaks of this--he ignores conscience as *syntêresis*--and often positively disassociates himself from such views. But even if he did, he would land in a position similar to the old antinomians who "just knew" where the Spirit was guiding them to (Cf. H. McCabe, "The Total Context," 440); or else he would be forced back to principles and continuities in an effort to "discern" the true calls and promptings of the Spirit from the false. (Cf. R. Gleason, *op. cit*., 555. Also I Jo 4:1 ff.)

[1] Ramsey writes: "If, however, the one and only *archê* is love and there are no pieces of behavior or any subordinate principles that count for love, wherein does this position differ from Christian antinomianism throughout the ages? If 'neocasuistry' repudiates any attempts not only to 'prescribe' but to 'anticipate' real-life situations (*Situation Ethics*, 29), and if conscience in its exclusive prospective function only engages in 'first-guessing' (*Situation Ethics*, 154), where are the continuities between one moment of moral experience and another, or the basis for any forecastable course of action?" (P. Ramsey, *Deeds and Rules in Christian Ethics*, 151-152).

[2] P. Ramsey, *ibid*., 160-174.

> in the upper left hand corner of the kingdom of situationalism, from which when pressed he can readily take sanctuary across the border into an ethics of the unique moment without taking responsibility for the defense of the inhabitants of that territory.[1]

But perhaps it is not enough to say that Fletcher's approach "fails" to be situational. It would seem, in fact, that his ethical approach cannot be situational at all. And this because his failure to see love as penetrating the structures of life deprives love of any objectifiable character whereby one could say, objectively, even to oneself, that one's action in a particular situation was truly loving.

Fletcher is quite insistent on the externality of value and the characterizations of actions as good or bad only with reference to love. Again and again he writes that

> Good and evil are not properties, they are predicates, or attributes. And therefore what is sometimes good may at other times be evil, and what is sometimes wrong may sometimes be right when it serves a good enough end--depending on the situation.[2]

But this, in fact, despite all of Fletcher's protestations to the contrary, simply means that nothing can ever be said to count as love. Fletcher may think that he is saying something positive when he states that "anything may be right or good, depending on the circumstances."[3] But if anything may count as right or good depending on how love expresses itself in a particular situation, yet we have no idea whatsoever of what counts as an expression of love in a particular situation, then there is no way of ascertaining what counts for love in any situation, just as there is no way of finding out what does not count as love in a particular situation.[1]

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[1] Ibid., 149.

[2] J. Fletcher, Situation Ethics, 123.

[3] J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 325.

This difficulty does not arise from a failure to define love properly. One could readily agree with Tillich in saying that love cannot be defined, since there is no higher generic principle by which it could be defined.[2] The difficulty arises from the refusal to consider the structures in which love embodies itself, the regularities, the rules of the moral life,[3] all of which encompass the totality of love; "life itself in its actual unity," as Tillich would put it. He goes on to say:

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[1] Robert E. Fitch, "A View from Another Bridge," Religion in Life, XXXV, No. 2 (Spring, 1966), 182-186.

Dupré, op. cit., 248, comments as follows: "The objective moralist cannot but wonder whether this isolation of the subjective aspect of freedom from its objective expression must not become self-destructive in the end. As Father Herbert McCabe pointed out in Commonweal, without objective norms the situationist is not able to define, much less to apply, his own criterion of morality, namely, love or respect for the human person. Even to evaluate the 'situation' itself, he must recur to objective norms. . . . To leave such questions to one's creative subjectivity can only result in utter perplexity, or in a self-deceiving rationalization of emotional inclinations. Freedom is subjective, but it realizes itself in an objective world."

Love, we could paraphrase, is subjective, but it realizes itself in an objective world.

On the other hand, from the point of view of what does not count as love, the unloving action, it too cannot be said to be intrinsically evil. There is no intrinsic evil, just as there is no intrinsic good. What is sin, then? One imagines it would be an unloving action. But any action could be unloving depending on the situation. One wonders what happens to the atonement, in such an understanding of sin (Cf. L. Belford, op. cit., 7). In fact, one wonders why there was any disunion at all between man and God--except that perhaps God was a legalist and an absolutist. And surely, doesn't this make the martyrs the most foolish of all people--who were wrong for the right reason?

[2] P. Tillich, Morality and Beyond, 94.

[3] Alexander Miller, "Unprincipled Living: the Ethics of Obligation," 30.

> The forms and structures in which love embodies itself are the forms and structures in which life is possible, in which life overcomes its self-destructive forces. And this is the meaning of ethics: the expression of the ways in which love embodies itself, and life is maintained and saved.[1]

This is the sense that Bonhoeffer clearly gives to "the commandment of God," a commandment which is "total" and "concrete," which is revealed in Jesus Christ, that is the "daily divine guidance of our lives," that does not exist in one shape alone or is proclaimed by one authority alone or regards one sphere of life alone: the commandment of God "embraces the whole of life," the everyday words, exhortations, appeals, sufferings and rejoycings, in an all-encompassing unity giving life a clear direction, an inner and outer continuity and a firm security. It is the element in which one lives within the Church, in the family, in marriage, in work, and in the state, because it comprises the full wholeness of man.[2]

To sum up. Situationism's plea for the priority of love fully acknowledges the importance and necessity of law. It recognizes also, in Robinson's words, "the obligation upon Christians in each generation to help fashion and frame the moral net which will best preserve the body and soul of their society."[3]

Moral decisions are inextricably social, and consequently, the deeper one's concern for persons, the truer one's love, the more effectively will one seek for the continuities of laws and principles that help butress and preserve love.[1] A healthy organism can stand its own against any extremes. Fletcher's allergy to law,[2] however, sickens his system to the point of anomie.

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[1] P. Tillich, Morality and Beyond, 95.

[2] D. Bonhoeffer, Ethics, 277-285.

[3] J. A. T. Robinson, Christian Morals Today, 31.

Again: the Intrinsic and the Objective

We made mention above of a distinction between internality and objectivity, and we tried to show that the denial of internality does not necessarily entail the embracing of subjectivism. For, after all, reasons or facts may be objectively verifiable without thereby being intrinsic constitutives of the event or thing in question. We said, also, that this distinction seemed to be implied in the situationist's nominalism when coupled with their appeal to "principles generally valid," and we noted that the distinction was not clearly elaborated by Fletcher.

At this point, then, it becomes pertinent to ask again whether or not the nominalism espoused by Fletcher is at all consistent with anything but the subjectivism of antinomism. And the answer is obviously Yes. The most radical nominalism, the most extreme denial of internality of values, is compatible with objectivity and with the type of generalization we have been trying to expound. In other words, to claim love as the only intrinsic good--thereby making every other value nominal--is not incompatible with a great degree of objectivity with regard to the things or actions one calls good or bad.

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[1] *Ibid.*, 26.

[2] J. Fletcher, *Situation Ethics*, 152; P. Ramsey, *Deeds and Rules in Christian Ethics*, 151-152.

But not only is nominalism compatible with objectivity: the point we would like to make here is that objectivity, of the sort involved in universalizability, is the only way for the situationist to hold on to his middle position. Without objectivity, situationism is indistinguishable from antinomism in fact, if not in words. Fletcher's failure, therefore, can be classed as a failure to understand the meaning of universalizability and objectivity especially as these arise within the context of human social behavior. This, given Fletcher's interest in and acquaintance with social problems makes his failure still more difficult to understand.

The first point to note here is that objectivity requires a certain concern for societal norms of behavior and for public language. After all, the individual's actions take place within society, are spoken of by other people, can be described in terms which others understand, all of which means that at least with regard to the description or characterization of certain actions, certain objectivity is implied. The characterization of behavior, the description of behavior, is never fully left at the individual's whim and fancy, since the language used to describe it is a public language; i.e., the terms used in the description have a meaning which is publicly known, so that one must observe a certain consistency of usage as a condition of intelligibility.[1]

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[1] R. M. Hare, op. cit., 7.

This is, precisely, the distinction McCabe has in mind when talking about the subjective and the non-subjective or objective meaning of words. The latter refers to the meaning which a word may have because of the function the word plays in public language. We alluded to this distinction above, but it is quite pertinent here. McCabe goes on to say:

> Human action has significance in itself prior to any significance that may be given to it by what a man may have in mind when he does it--though this, of course, is also an important element in morals. Significance pertains in the first place to the community as a whole. I am saying this: Human acts have significance not the ways stone have temperature but the way words have meaning. I cannot change the temperature of the stone just by taking thought, but neither can I change the meaning of a word just by taking thought, for it belongs to the language, not to me. Nor can I change the value of my behavior by taking thought, for its value is its meaning in the total system of communications which is the human world.[1]

As Ramsey puts it, just as in order to live communally this objectivity of behavior is required, so in order to talk meaningfully about anything--much more about ethics--we must know what we are talking about, situationally or not.[2] If we move from one case to another and find, all the time, that what is said to count as love in one is, for no apparent reason, said not to count for love in the other, then simply we do not know what we are talking about: no meaningful discourse is possible.[3] This, it must be emphasized again, does not imply any degree of internality--at least not necessarily. For the natural ethicist, it is true, a protracted consistency in the characterization of certain pieces of behavior will be taken to point to some "normality" of human nature, thereby implying some degree of internality. But this need not be so. It is enough to view this social requirement as the minimum of objectivity required in the conduct of human life, a requirement that the ethicist cannot overlook.

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[1] H. McCabe, "The Validity of Absolutes," 434.

[2] P. Ramsey, Deeds and Rules in Christian Ethics, 210.

[3] P. Ramsey, ibid., 211; also pp. 207-208.

But there is a second point to be noted in this connection. Fletcher does not merely fail to characterize behavior sufficiently for his ethical talk to be meaningful. He, in fact, re-characterizes behavior, describes actions in ways which do violence to the public usage of the descriptive terms, and he does so arbitrarily, i.e., without sufficient justification. In Ramsey's words,

> This introduces another cardinal failure in the case of Joseph Fletcher's ethics, namely, his failure to deal adequately with the question of how properly to characterize a human action. Prior to either criminating or exculpating an action we must know its proper description. This is only to say that we must know what action we are talking about.[1]

A particularly clear and short example of this method of "ethical justification by moral re-characterization,"[2] as Ramsey calls it, is Fletcher's treatment of euthanasia. In Morals and Medicine Fletcher gives a detailed and careful examination of the ethical problems raised by euthanasia. Euthanasia is defined as "the deliberate easing into death of a patient suffering from a painful and fatal disease,"[1] and Fletcher's thoughtful analysis leads him to conclude that, because of mercy, euthanasia should be morally permissible. In Moral Responsibility there is a chapter devoted to euthanasia, but the treatment is less careful, the statements are not sufficiently justified, and euthanasia appears already as "meaning a merciful or good death;"[2] mercy, as a justificatory factor, is already encapsulated in the very definition of euthanasia.

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[1] Ibid., 199.

[2] Ibid., 201.

In Situation Ethics we find euthanasia mentioned twice as an example of extreme legalism, and once in connection with the generalization argument. In this third instance Fletcher rejects the argument that euthanasia is such an act that, if raised to the nature of a general practice, would be injurious to humanity as a whole. But how is this rejection effected? By re-wording the generalization argument, as applied to euthanasia, to read "A particular case of loving-kindness, if everybody did it, would mean chaos or cruelty."[3]

Now, in this reconstruction, euthanasia has been re-characterized as "a particular act of loving-kindness." But, as Ramsey points out, the argument was not that loving-kindness, if everybody did it, would have undesirable consequences, but that euthanasia, if universalized, would result in injury to mankind.[4] Whether or not euthanasia can be characterized as "loving-kindness" or as "direct or indirect killing" is, precisely, the point at issue. What Fletcher has done is to justify the action by re-describing it. This, says Ramsey, "is one way to succeed in ethics without really trying!"[1]

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[1] Joseph Fletcher, Morals and Medicine, 172.

[2] J. Fletcher, Moral Responsibility, 147.

[3] J. Fletcher, Situation Ethics, 130.

[4] P. Ramsey, Deeds and Rules in Christian Ethics, 200-201.

Conclusion

In this chapter we have tried to narrow down the specific differences between situationism and legalism, on the one hand, and antinomism, on the other. To do this, we tackled first the category of relativism, a position espoused by situationism, in an effort to find if relativism's opposition to absolutism would provide further leads as to the precise locus of situationism. But here again we found that just as there are different approaches within legalism, each differing from the other in the degree of absoluteness accorded to its principles, so also in relativism one could distinguish varying forms of "looseness" depending on the strength accorded to objectivity and "principles generally valid."

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[1] Ibid., 201. Philippa Foot, in her essay on "Moral Beliefs" (in Theories of Ethics, ed. Philippa Foot /Oxford: Oxford University Press, 1967/, 84), raises the question with regard to the assumption that an individual may, "without logical error, base his beliefs about matters of value entirely on premises which no one else would recognize as giving any evidence at all."

This assumption, she says, "is very dubious indeed," since anyone working under it would first have to answer the question "What do you mean?" when saying that something is good, or bad, or right, or wrong. An answer to this question cannot be given without some recourse to "objective" characterization.

She writes: "Without a special background there is no possibility of answering 'What's the point?' It is no good saying that there should be a point in doing the action because the action was a morally good action: the question is how it can be given any such description if we cannot first speak about the point. /Italic's added./ And it is just as crazy to suppose that we can call anything the point of doing something without having to say what the point of that is" (Ibid., 92).

Put differently, an examination of the different stances possible within both legalism and situationism leads one to the conclusion that just as extreme legalism, because of the high degree of absoluteness accorded to its principles, does not account sufficiently for the fluidity and creativity of human behavior, so also relativism, when it is extreme--i.e., when it rejects all structures present in human social experience, such as principles and other continuities found in public life--fails to provide the required objectivity necessary for human moral behavior and talk to be meaningful.

At the same time, however, we found that neither legalism is as absolute as one would think, nor is situational relativity as loose as it is taken to be, for although it rejects internality it clings to objectivity and "principles generally valid."

We turned, then, from the discussion of relativism to the study of the role of "principles generally valid" in situational analysis. Here we found situationism, generally, to be favorably disposed to the employment of principles and rules in ethical analysis, as long as they were never absolutized and given ascendancy over neighbor-concern. In other words, situationism, we found, would want to keep love, or neighbor-concern, or utilitarian concern, as the supreme principle in ethical analysis, subordinating to itself every other rule or principle but without rejecting principles altogether. Love was given the primacy because of its unique ability to combine structure and flexibility, thus accounting fully for situationism's claim to be "principled relativity."

But while we found that situationists, generally offered detailed consideration of both the relativity safeguarded by love, and the objectivity accounted for by structures and "principles generally valid," a suspicion arose as to Fletcher's own handling of this latter aspect of situational relativity, namely, rules and principles, as they reflect the continuities of human life.

A more careful analysis of Fletcher's approach showed, in the first place, that for him "principles" were identified with, or treated as, maxims, rules of thumb, empirical generalizations, or, in Ramsey's terminology, summary-rules. Eventually, we found that Fletcher quite explicitly rejected the principle of generalizability as well as the generalization argument, and that he did so due to an apparent misunderstanding of generalizability as if it necessarily implied identity of circumstance as well as the denial of the possibility of exceptions.[1]

This attitude led, quite unmistakably, to the conclusion that Fletcher, in his treatment of "principles generally valid"--i.e., in his attitude toward the objectivity of structures which provide the distinctive aspect of "principled relativism" or situational relativity--failed to remain within the bounds of situationism, and lapsed, therefore, into the unprincipled ethics of antinomism. Factually, therefore, if not verbally, Fletcher failed to provide for the minimal objectivity required for love itself to exercise its influence, thus negating even the possibility for meaningful ethical discussion.

The conclusion, in short, is this. Situationism need not be antinomian. It can keep its midway position between legalism and antinomism only if a minimum amount of objectivity is preserved by paying sufficient attention to the continuities without which human life and meaningful ethical discourse, are not possible. Most situationists do this, but Fletcher does not. His ethics, therefore, should be classified as "unprincipled relativism," or extreme act-agapism, rather than as situational.

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[1] J. Fletcher, Moral Responsibility, 235.

If, however, the term "situationism" is maintained when speaking of Fletcher's brand of ethics, due to the fact that he *formally*, or *verbally*, falls within the pale of situational ethics, then perhaps the suggestion proposed by Dupré should become mandatory in this connection. We refer to the distinction between *objectivists* and *situationists*,[1] or, perhaps better still, between subjectivists and objectivists *within situationism*.

In keeping with this distinction, then, our conclusion would be that objective situationism of the type espoused by Brunner, Robinson, Tillich, Ramsey, and Pike, does, in word as well as in fact, hold the middle course between legalism and antinomianism, while Fletcher's subjective situationism factually fails to do so.

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[1] L. Dupré, *op. cit*., 245 ff.

CHAPTER V

FLETCHER'S SITUATIONISM

Introduction

We have been studying the meaning of situation ethics in general, including Fletcher's own views with regard to a number of specific items. We have even arrived at some important conclusions regarding Fletcher's own brand of situationism. It is now time to give a more comprehensive account of his approach, dwelling at some length on those issues we have not as yet discussed.

In this chapter, therefore, we shall be concerned primarily with the different assumptions or presuppositions underlying Fletcher's ethical constructs, as well as with his treatment of one absolute, love, and its workings within the situation.

Basically, this structure follows Fletcher's own development of his views in his original paper in the Harvard Divinity Bulletin, an essay on the "new morality" which Bishop Robinson calls "the most consistent statement I know."[1] This structure was preserved by Fletcher in the writing of his book Situation Ethics, which is but an enlargement of his original statement. However, Fletcher offers some clarifications and even some new material in his latest book, Moral Responsibility, which, for the most part, reprints his various articles on the subject of situationism. Our effort here, therefore, will be to present a comprehensive statement of Fletcher's views while preserving as far as possible the basic structure of his work.

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[1] J. A. T. Robinson, Honest to God, 116.

Fletcher, we have seen above, claims that situationism is a via media, a middle position between legalism of all types and antinomianism of all types.[1] With regard to legalism, situationism adopts a relativistic position, considering love as the only law and every other principle or rule as relative to both love and the particular situation; as against antinomianism, situationism claims to accept the direction or "illumination" provided by "principles generally valid."

Another way of saying this is that situationism, strictly speaking, is not a system, since love, its only law, can never be fully and unchangeably identified with just one set of rules or principles. Situationism, says Fletcher, is a "nonsystem."[2] This is tantamount to saying that situationism, if it must be classified, must be described as "a method of 'situational' or 'contextual' decision-making,"[3] all of which means that it is associated with no religious or philosophical system.[4] The situational method, Fletcher writes,

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[1] Joseph Fletcher, "Love is the Only Measure," Commonweal, LXXXIII, No. 14 (January, 1966), 427-432.

[2] J. Fletcher, Situation Ethics, 11.

[3] Ibid., 11.

[4] Ibid., 13. Fletcher does not seem to apply this view of his when it comes to discussing other people's conclusions in particular cases. Sometimes one wonders if, despite his assertion, he is not, in fact, allying the situational method too closely with his own presuppositions. On this point see P. Ramsey, Deeds and Rules in Christian Ethics, 208-209.

> holds that whatever is most loving in the situation *is* right and good--not merely something to be excused as a lesser evil. *Agapê* is its only law. The principles of the Christian *sophia* are at most maxims, never rules or precepts, and they illuminate situations but do not dictate decisions.
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> . . . .
>
> In the *kairos* of decision the facts and technical data require careful calculation, *ex factis orbitur* [sic!] *jus*--a Christian *sophrosunei*. Then, finally, as personal and responsible, *decision* must be made.[1]

Elsewhere Fletcher enumerates the same four elements of the situational method, namely: (1) consideration of its only law, *agapê* or love, (2) consultation of the *sophia* or wisdom of the church, of society, of culture, wherein one finds "many 'general rules' of more or less reliability," (3) the *kairos* or moment of decision, or the situation, including both temporal and other elements or factors, and (4) the decision itself.[2]

In the first place, *love* requires that one's concern be personalistic: love is of *people*. But besides, one's concern must go beyond, to society, in search of the greatest good for the greatest number.[3] This requires that love be distributive, or that it be identified with justice.[4] Finally, love requires also that the structures of society be consulted, but never with the intent of making them the final element of decision. The non-legalistic, relativistic, and non-intrinsicalist emphasis of situationism must be preserved at all costs.[1]

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[1] J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 327.

[2] J. Fletcher, *Situation Ethics*, 33.

[3] Joseph Fletcher, "Why 'New'?" p. 188.

[4] Joseph Fletcher, "Agreement and Disagreement," 439.

The situational factor requires that one give full consideration to the facts and circumstances of every situation, an aspect which, again, emphasizes the relativistic element in situationism. As Fletcher says,

> True ethics arises where a situation poses questions to principles! . . . Therefore, the situational ethic is ex casu and thus far, at least, closer to existential decision than to natural law ethics which tries in a desperate way to decide according to precepts per naturam. Situational ethics declares that all qualifiers such as "always" and "never" and "perfect" and "complete" and "certain" must be thrown aside.[2]

Finally, the decision itself, "which is responsibility in humility," requires "a prayerful reliance on God's grace" as one of its main facets,[3] since moral judgments are not conclusions, i.e., since moral decisions cannot be "proven" or deduced from facts: there is no logical passage from is-ness to ought-ness.[4]

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[1] J. Fletcher, Moral Responsibility, 7, 8, 123-124, 138, 171 ff.

[2] J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 328. It is interesting to note, in the context of previous discussions, how even existentialism seems to accept the implications of universalizability. See R. M. Hare, op. cit., 38, 47-48.

[3] J. Fletcher, "The New Look in Christian Ethics," 18.

[4] Ibid., 7-8. It is puzzling, to say the least, that Fletcher, while allowing for the importance of "prayerful reliance" can, at the same time, reject the mystical intuionism implied in the orthodox brand of Christian gnosticism.

Pike, in a very interesting passage, poses the following question: "Can there be a positive ethical quality to an intuitive, unreflective decision--calling for no courage to act, but where cogitation and dialogue about pros and cons would be inconsistent with the happening it-

Fletcher, with his flare for catchwords and slogans, has a good summary of what the situational method entails, "a critically shrewd tactical formula for the strategy of love," and it is this:

> The indicative plus the imperative equals the normative. Love, in the imperative mood of neighbor-concern, examining the relative facts of the situation in the indicative mood, discovers what it is obliged to do, what it should do, in the normative mood. What is, in the light of what love demands, shows what ought to be.[1]

This is as good a summary of Fletcher's situational method as can be had, and it does convey the meaning he has in mind. The possible objections to this method from the point of view of regard for "principles generally valid" have already been discussed. We have now to enter into the detailed examination of the other components, love and the situation.[2] But before we do this, we shall spend some time analyzing the presuppositions or assumptions of Fletcher's situationism.

General Assumptions

Fletcher bases his situational approach on five assumptions or pre-

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self--where the unexpected moment seems to be charged with grace?" And he gives the answer: "When deep need is sensed, a full response carries its own instructions. . . . Granted that such moments are not common, it can be wrong to miss the few which present themselves" (J. Pike, op. cit., 97).

Otto, op. cit., 146-147, remarks that "Though these intuitions are limited and inadequate, they are none the less indisputably true, i.e., true as far as they go; and . . . they must certainly be termed cognitions, modes of knowing, though, of course, not the product of reflection, but the intuitive outcome of feeling."

[1] J. Fletcher, Situation Ethics, 151; "The New Look in Christian Ethics," 18.

[2] J. Fletcher, Situation Ethics, 14, calls love-personalism and contextualism "the two main features of Christian situationism."

suppositions, four of which are explicitly discussed in his original essay as well as in Situation Ethics. The fifth appears here and there, and quite explicitly in Fletcher's controversy with Father McCabe. These five assumptions are pragmatism, relativism, positivism, personalism, and nominalism. Some of these we have dealt with in earlier chapters, and so little will be added here to what has been already said.

Nominalism and Pragmatism

We have found again and again, when discussing the differences between situationism and legalism, that their opposition always seems to boil down to the basic difference with regard to the nature of values, the nominalist-realist distinction, associated also with the voluntaristic-rationalistic approach. In this connection, Fletcher definitely classes himself as a nominalistic ethicist, claiming that values are not intrinsic, that they are not properties, but rather predicates, external to the thing itself, and therefore relative to love and the situation.[1]

We have also discussed Fletcher's pragmatism, a position he considers to be intimately connected with nominalism, as well as with his claim that situationism is a method, not a substantive ethics. In other words, Fletcher adopts pragmatism as part of his method, as "a legitimate tool of ethics."[2] The function of this tool is to vindicate love's claims by showing, through consequences, whether or not an action has been loving. Just as in the cognitive domain the function of the pragmatic method is to "veri-fy" an idea, to show its truth by the fact that it works, so in the ethical domain the function of the pragmatic method is to validate an ethical decision by its consequences.[1]

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[1] J. Fletcher, "Agreement and Disagreement," 438; also his William Temple, 148-149, 152.

[2] J. Fletcher, Situation Ethics, 41.

This "pragmatic-empirical temper of situation ethics,"[2] as we have seen, causes Fletcher to emphasize the purely prospective character of conscience, and we have dealt with some objections to such an exclusively antecedent understanding of conscience. Here one must point out that such exclusiveness is, properly speaking, unpragmatic. Fletcher, it is true, admits that conscience "focuses on cases and tries experientially, not propositionally, to adduce, not deduce, some 'general' ideas to be held only tentatively and lightly."[3]

But side by side with this admission is the definite rejection of "consequent" or retrospective, judgment-passing conscience, a rejection hardly compatible with "adducing" "experientially" "some general ideas." This rejection of the retrospective character of conscience seems to be prompted by the rejection of the judgment-passing function of conscience. One could say that the passage from one rejection to the other is effected almost inadvertently. But such rejection is not necessary. In fact, if the pragmatic method is to be employed, this cannot be the case.

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[1] Ibid., 48-49.

[2] Ibid., 55.

[3] Ibid.

However much prospective the pragmatic method be taken to be, it cannot cease to be retrospective--although this does not entail that it must also be judgment-passing.

The pragmatic method must be retrospective because its prospective nature demands that it be so. Quite apart from the reasons discussed above, and remaining solely within the ambit of pragmatism, one must say that Fletcher's insistence on the rejection of the retrospective function of conscience makes his pragmatism quite unpragmatic. This needs some justification.

We have seen above that for Dewey conscience is the habit of moral deliberativeness.[1] Deliberation, no doubt, involves prospection. It is, as he says, "a dramatic rehearsal (in imagination) of various competing possible lines of action."[2] However, "Of _equal_ importance is the reference to the _past_ involved in reflection."[3] This is so for a number of reasons.

In the first place, reflection implies, of necessity, some observation in order to take stock of the conditions present in the case at hand. Some of these observations, as is obvious, are directly performed through the senses; but others are performed "_by recollecting observations previously made either by himself or by others_,"[4] an operation that, again, implies that some generalization has taken place (an activity that *per se* is not prospective, although its purpose may be so), and that the deposit of this generalization is brought back to mind or recollected. Direct perception and *memory*, then, are essential to reflection, and constitute what Dewey calls the "*facts* of the case."[1]

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[1] J. Dewey and J. Tufts, _Ethics_, 300.

[2] J. Dewey, _Human Nature and Conduct_, 190.

[3] J. Dewey, _How We Think_, 117. (Emphasis added.)

[4] _Ibid_., 102. (Emphasis added).

What this activity of memory or recollection brings back to mind are what Dewey calls "conceptions," i.e., "standards of reference" or "standardized meaning" established through several complete cycles of reflection and experimentation and verification (or falsification).[2] Now, "conceptions" are, precisely, the result of retrospection. They arise from "constant review, in the sense of looking back over what has been done and has been found out, so as to formulate the net outcome," the purpose being "to secure a summary of its *net* accomplishment."[3]

An example of what Dewey has in mind is his careful elaboration of the distinction between thinking (or thought) and knowledge. Thinking is the ongoing, dynamic awareness of the relationships and continuities between our actions and their consequences. But thinking, eventually, results in knowledge, i.e., the deposit or distillation of thinking vis-à-vis experience. Knowledge becomes a deposit partly, at least, by retrospection, since its content is what *has* happened, the connections and continuities that have been known to obtain in given situations.[1] As Dewey puts it, "all knowledge as distinct from thought is retrospect."[2]

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[1] "Observation *and recollection must* be used to the full so as not to glide over or to *mistake* important features" (J. Dewey, *How We Think*, 103 /Emphasis added./).

[2] *Ibid.*, 149 ff.

[3] *Ibid.*, 189.

But a second point is pertinent here, a very pragmatic point indeed, and one which decides the importance of retrospection within the process of deliberation or reflection. If knowledge *per se* (as distillation of experience and thinking) is retrospective, it is so also because of its function, which is to serve as a tool for the solution of problems by providing the context from which ideas and hypotheses may arise,[3] as well as necessary categories for one to give "meaning" to a fact, thing, or situation.[4] In Dewey's own words,

> While all thinking results in knowledge, ultimately the value of knowledge is subordinate to its use in thinking. For we live not in a settled and finished world, but in one which is going on, and where our main task is prospective, and where retrospect . . . is of value in the solidity, security, and fertility it affords our dealings with the future.[5]

To conclude, then, we must say that the pragmatic-empirical temper of situation ethics requires the function of conscience as retrospective, and that Fletcher's rejection of this particular aspect, besides the objections raised before against it, must also face the accusation of being inconsistent with the pragmatic character of his ethics.

Pragmatism, however, being primarily a method, does not carry within itself the norms according to which a particular action is to be labelled loving or unloving.[1] To affirm the contrary would be to commit the naturalistic fallacy. The norm must be provided from the outside, as it were. We turn now to Fletcher's discussion of his valuational norm.

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[1] J. Dewey, *Democracy and Education*, 340-341.

[2] *Ibid.*, 151.

[3] J. Dewey, *How We Think*, 169.

[4] *Ibid.*, 136-148.

[5] J. Dewey, *Democracy and Education*, 151.

Positivism, Personalism, Relativism

According to Fletcher, the primary issue that arises with regard to any ethics is the establishment of a first principle, a summum bonum. The adoption of any one such principle is considered to be beyond the range of adequate rational proof, which is another way of saying that it is an assumption or presupposition, a postulate.[2] This means that

> there is no way to reach the key category of love or agape as the primordial or axiomatic value, the summum bonum, except by an act of faith which says "yea" to the faith-proposition that "God is love" and therefore to the value-proposition that love is good.[3]

What Fletcher has in mind here, and what he expresses by reference to the act of faith, is, first of all, that the choice of one supreme good or first principle cannot be reached at the end of an argument, as the conclusion of a syllogism or of a proof, having the force of logic.[1] This would mean that one could force people, by the power of logic, to agree on the acceptance of one supreme principle.

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[1] "We must realize, however, that pragmatism, as such, is no self-contained world view. It is a method, precisely. It is not a substantive faith, and properly represented it never pretends to be. Pragmatism of itself yields none of the norms we need to measure or verify the very success that pragmatism calls for! To be correct or right a thing--a thought or an action--must work. Yes. But work to what end, for what purpose, to satisfy what standard or ideal or norm? Like any other method, pragmatism as such is utterly without any way of answering this question" (J. Fletcher, Situation Ethics, 42).

[2] "The very first question in all ethics is, What do I want? Only after this is settled . . . can we ask about the why and the how and the who and the when and the where and the which! The primary issue is the 'value' problem, our choice of our summum bonum. This is a preethical or metaethical question, relying on some other source for a faith proposition or commitment" (J. Fletcher, ibid., 43); see also J. Fletcher, William Temple, 148, 151, 154.

[3] J. Fletcher, "The New Look in Christian Ethics," 8.

Moreover, adds Fletcher, the impossibility of reaching this first principle through argumentation suggests that the choice of any one such principle is "as arbitrary and absurd as the leap of faith."[2] He writes:

> We cannot except by a leap get across from descriptive to prescriptive propositions. To get from any hypothetical statement, such as "If you believe in the lordship of Christ you will love your neighbors" to the normative statement "You ought to love your neighbors," to say nothing of getting to the full imperative statement "Love thy neighbors as thyself"--surely this is a question of a leap, not a step in logic or commonsense! St. Anselm's "*Credo ut intelligam*" should always be paired with a "*Credo ut judicam*" /sic!/[3]

Briefly, then, the assertion that love is the one supreme principle in Christian ethics, and the command to love the neighbor, are not deduced or proven by Fletcher. They are assumed, *posited* or affirmed voluntaristically rather than rationalistically.[4] Fletcher's theological positivism places him within the camp of those who, according to Gustafson, make theological affirmation the starting point of their ethical system.

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[1] J. Fletcher, *Situation Ethics*, 47.

[2] *Ibid*., 48.

[3] J. Fletcher, "The New Look in Christian Ethics," 8.

[4] J. Fletcher, *Situation Ethics*, 47. It is obvious that by this theological positivism Fletcher is trying to avoid the naturalistic fallacy. What is not so clear is why he must insist that the nonrational character of this positivism renders the assumption--and also faith--"arbitrary and absurd." It is one thing to deny naturalism and affirm that "no conclusive 'rational' defense can be given for a man's ultimate philosophical appeal" (Nicholas P. Wolterstorff, "Faith and Philosophy," in *Faith and Philosophy*, ed. A. Plantinga, 32); it is quite

Very intimately tied up with love as the first principle or law of situationism, is the concern for persons, personalism, or neighbor-concern. As we mentioned above, Fletcher considers personalism to be one of the pillars of situationism.

> The new morality . . . like the love ethic of Christianity, requires its practitioners to be who-askers (who will be helped or hurt) not--as with legalistic morality--what-askers (what does the law prescribe). . . . It comes down to this: people are to be loved and things are to be used. "Things" include both material objects and abstract principles. Immorality occurs when things are loved and people are used.[1]

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another thing to consider this absurd or arbitrary. Certainly, Anselm's Credo ut intelligam cannot be construed in such anti-rationalistic fashion.

If by the term "leap" Fletcher means the fideism present in a Tertullian or a Kierkegaard, one must add immediately that neither Kierkegaard nor Tertullian meant that faith is irrational in the sense of being against reason, absurd, or arbitrary. What they meant is that faith cannot be proven by reason, not that it dislodges reason. In fact, they assign reason the very difficult and important task of delimiting its own confines, so that faith may more freely arise; a task similar to that undertaken by Locke in An Essay Concerning Human Understanding, IV, xviii, where he seeks to determine the "Distinct Provinces" of reason and faith.

Tertullian's celebrated Credo quia absurdum (Adv. Marc., II, xvi, 7) most certainly does not mean that one must believe the absurd, a meaning that is often given to it and then taken as a proof of the anti-intellectual and irrational character of faith. The meaning is that the content of revelation, lying beyond the proofs of reason, can be held only, if at all, by faith. In other words, that if one decides to commit oneself to what is beyond reason--possibly, what reason would label absurd--one can do so only by faith.

The fact that reason and faith occupy "distinct provinces" does not ipso facto entail that they must be at war.

[1] J. Fletcher, "Why 'New'?" 189-190.

In other words, "situationists are *personalistic*."[1] In the nominalistic and voluntaristic world where there are no intrinsic values at all, but just things, material and nonmaterial, the adventitious value is tagged on *by persons*. For a thing to have value, or to be valuable, *some one* must value it. Valuation, in other words, depends only on the person.[2]

But there is more. If things, material and nonmaterial, do not possess intrinsic value, but are valuable only if, and in so far as, and as long as, persons "happen" to value them, the human person has value always. We are not told anywhere whether this value of the human person is extrinsic or intrinsic. But perhaps the matter is unimportant, since, by making personalism an assumption, Fletcher is obviously implying that this choice cannot be rationally proven or justified.

And yet, there *is* an effort made to show that the value of personalism is intimately connected with the value of love as the first principle. As Fletcher puts it,

> Just as God is love and love is therefore good, so God is a person--he to whom we bend our knee and bow our head--and persons (made in his image) are therefore important. Love is the highest good, personality is of prime importance. Indeed, since love is a personal matter, not given or received by things . . . *all values are such in relation to persons*. Apart from persons who appreciate or value things, things are empty and worthless.[3]

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[1] J. Fletcher, *Situation Ethics*, 50.

[2] *Ibid.*, 58; J. Fletcher, *William Temple*, 151 ff.

[3] J. Fletcher, *Moral Responsibility*, 173.

There is no doubt that Fletcher intends this to be a deduction. In *Situation Ethics* the "therefore" is underlined: "Personality is *therefore* the first order concern in ethical choices."[1] But there is a highly suspect inconsistency in this argument, and we shall try to point it out as briefly as possible.

Fletcher's argument runs as follows:

> [Everything that God is, is good]
> God is love.
> Love is *therefore* good.

Similarly, ("Just as God is love . . . so God is a person"):

> [Everything that God is, is good]
> God is a person.
> Personhood is *therefore* good.

The major premise is not explicitated by Fletcher, but some such premise is obviously understood in his argument. Now, we are explicitly told that *in God*, love is a property, not a predicate. "God *is* love,"[2] Fletcher writes; "Only in the divine being, only in God, is love substantive. . . . Only with God is it a property. This is because God *is* love."[3] Love, that is, is intrinsic in God.

In man, however, love is not a property; it is extrinsic to man and to everything else. For man, love is a command to act lovingly,[1] and consequently it is a principle according to which we act. "Love is a way of relating to persons"[2]; "Love is not a substantive. . . . It is a principle. . . . Love is not something we have or are, it is something we do."[3]

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[1] J. Fletcher, *Situation Ethics*, 51. On p. 49 Fletcher explicitly asserts, after positing the assumption that God is love that it is "*by logic's inference*" that one descends "to the value assertion that love is the highest good." (Emphasis added.)

[2] *Ibid*., 51.

[3] *Ibid*., 62.

The question, then, arises. Given the parallel between love and personhood in God; and given the definite statements with regard to love in man, are we to conclude that personhood, in man, is also not a property? But if personhood, in man, is not a property, then what is it? If it is a predicate, purely extrinsic, then why are not animals called persons? If, on the other hand, it is a property, then his nominalism is not universal.[4] And if it be granted that it is a property, but not a valuational property, then, surely, Fletcher's "therefore" is unjustified, and his personalism loses its primacy.

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[1] Ibid., 64.

[2] Ibid., 61.

[3] J. Fletcher, Situation Ethics, 60-61. Again we must mention here, as we did above, that if there is no continuity in love, if love is not something we are, it is difficult to see how the continuities of the love-life can be accounted for. See E. Brunner, op. cit., 164-165.

[4] In Situation Ethics, 51 and 64, Fletcher mentions with approval Kant's supreme practical principle, that of treating persons as ends, never as means. Is this just a verbal lapse, or is Fletcher implying unconsciously and unwillingly, that the value of personalism is intrinsic? And if not intrinsic, isn't it absolute? Dupré, op. cit., 246, maintains that "For the situationist, the human person is an absolute value that cannot be subordinated to anything else." If personalism is an absolute only because "Love is of people, by people, and for people," and because "Loving actions are the only conduct permissible" (J. Fletcher, Situation Ethics, 51), what prevents one from discovering other "absolutes" equally demanded by love? Or has Fletcher fused his assumptions so intimately with his (the) "method" that only his amalgam can work?

Yet, perhaps all this is unimportant, since, after all, Fletcher does claim personalism as an assumption, thus placing it beyond rational proof. At the same time, however, he has offered a justification for this pre-eminence--except that in serious ethical discourse, not just any justification will do.[1]

Intimately connected with this assumption of personalism is Fletcher's understanding of responsibility, an idea which he develops following, mainly, H. R. Niebuhr, Brunner, and Bonhoeffer.

Since "Situation ethics puts people at the center of concern,"[2] and since "Love is a way of relating to persons,"[3] responsibility must not be taken to mean answerability to the law, a legal understanding that has perverted our full notion of responsibility.[1] We must take it, rather, in the sense of responsiveness to other persons and to God, since, after all, in all his relationships with God and man, man appears as "man the answerer."[2]

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[1] The weakness of Fletcher's justifications has been pointed, for instance, by Gleason, op. cit., 558, who while admitting the noble and important character of love, maintains that "it is not in the Christian tradition to present it as the exclusive motive for moral action."

Gustafson asks the same question: "Is love the exclusive point of reference in Christian ethics? Is it the only inherent good? On what grounds has Fletcher or anyone else established that?" (James A. Gustafson, "The Shouting of Slogans," 583).

Fletcher's answer, of course, must be that this is an assumption, and that assumptions cannot be proved. But it is nowhere said that they cannot be justified. In fact, Fletcher does attempt to justify them, except that his points seems to be poorly made. Part of the confusion on Fletcher's part arises from his misunderstanding of the "leap" of faith, to which we referred above. Faith, to be sure, is not the conclusion of a syllogism. But it is not irrational or anti-intellectual: it can be justified. Conviction does not entail conversion, but no conversion is possible without conviction.

Fletcher, moreover, accuses Gleason of denying the Pauline insistence on the primacy of love. (Cf. J. Fletcher, Situation Ethics, 78). But surely, one cannot take just one or two lines from the Pauline corpus while rejecting the totality of the construct--a thing Fletcher does on p. 22-24, again, through a misunderstanding!

[2] J. Fletcher, Situation Ethics, 50.

[3] Ibid., 61.

This means, of course, that man's answer to man is relative, since the neighbor's needs and utterances vary from situation to situation, and since no fixed and unchangeable norm can be established to govern man's answering in each and every situation.

> Responsibility is response, and only the decision maker in his personal being and autonomy can make a response. Certainly no prefabricated moral rule or law can respond. Law excludes response because it attempts to obviate the vital dimensions of freedom and openness, and therefore it frequently, if not constantly, cuts straight across true loving concern. After all, by its very design law aims at being *im*personal.[3]

What Fletcher seems to be trying to say here is, of course, extremely important. He is pointing to the fact that man's decisions are not made in a vacuum, that he does not speak only to himself, but has his being in society, that is, with other men. His actions arise not simply as inanimate reactions to inanimate stimuli from an inanimate environment, but primarily as reactions to other men--and therefore they are really answers to other men. Even when man's action concerns things, he is answering to other men. And, of course, when he is answering to other men he is, at bottom, "responding to a call from God. . . . This is the incarnational meaning, in terms of responsibility, of the saying that 'the dwelling place of God is with men.' We validate our response to men in every situation by our faithful response to the God-man."[1]

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[1] J. Fletcher, Moral Responsibility, 234.

[2] Ibid., 231-232.

[3] Ibid., 235.

But here again Fletcher's allergy to law blinds his eyes to the fullness of responsibility and "deputyship." Even his use of Bonhoeffer's analysis, which he considers the best,[2] is rendered incomplete by his "nomophobia." For it does not take much thought to realize that there cannot be any justification for the exclusion of the law from "the incarnational meaning," a point we have noted before.

Men, to be sure, cannot have a dialogue with a situation: other men must enter the picture. But there is also what Bonhoeffer calls "a responsibility for things, conditions and values," although this responsibility is fulfilled only "in conjunction with the strict observance of the original, essential and purposive determination of all things, conditions and values through Christ (John 1.3) the incarnate God."[3] In fact, it is only within this incarnational mode or context of reference that the Christian can, as it were, speak of the world to other men. For only within this incarnational context is the world fully reconciled to God, and therefore can be considered "good."

In other words, through Christ, or through the incranation, things are once more directed to God through their being directed to and used by man. Things can no longer be entirely subordinated to man, irrespective of what they are, without consideration of God's purposes:

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[1] J. Fletcher, Moral Responsibility, 238.

[2] Ibid., 235-236.

[3] D. Bonhoeffer, Ethics, 226.

> "Responsibility for a thing" does not mean its utilization for man and consequently the abuse of its essential nature, but it means the essential directing of it towards man. Thus that narrow pragmatism is entirely excluded . . . when that which has value in itself is in a direct and short-sighted manner subordinated to human utility. The world of things attains to its full liberty and depth only when it is grasped in its original, essential and purposive relevance to the world of persons.[1]

This "essential and purposive relevance to the world of persons" means, again, that things, by their being used by man as they are, are oriented toward God, which orientation is their primordial purpose.

If this is so, what are we to say of the law, principles, the structures of social life? Are they to be subordinated, by a "narrow pragmatism," to the utility of man? Or are they to be used according to their essential nature, as things which have value in themselves, and which attain to their full liberty precisely by this use? For the Christian, as Bonhoeffer remarks, reality is unified and made "simple" in Christ. If his action is to correspond to reality--literally, to co-respond, to keep answering to reality--it must allow the world to be the world, it must reckon with the world as the world,[2] that is, not as autonomous, or bad, or unredeemable, or inimical, but as reconciled. Contrary to Fletcher's assertion, the law can no longer be the enemy.[3]

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[1] D. Bonhoeffer, Ethics, 226-227.

[2] Ibid., 230.

[3] J. Fletcher, Moral Responsibility, 241.

Fletcher's exclusion of the law from the world as reconciled and unified in Christ, is rendered unjustifiable by the same principles he espouses.

If, as Fletcher asserts, situationism searches "seriously" for a social policy,[1] and if "Responsibility means a free and critical 'conformity' to the facts first of all . . . and then to the unchanging single norm or boss principle of loving concern for persons,"[2] and if "the facts," reality in Bonhoeffer's sense, do not exclude anything, but take everything as reconciled and unified in Christ, then how can the law be excluded at all?

Finally, in so far as the law provides a frame of reference for the interpretation of God's purposes in the world, it cannot be done away with. Dialogue, "answerability," requires a language, and where the language is unclear to one of the dialoguers, interpretation is needed. As Gustafson puts it,

> In order to respond to actions taking place, men have to have some pattern of interpretation to bring to bear upon themselves and events. What theology provides is an interpretation of the one who is finally acting upon us in all human and historical actions, and to whom men are finally accountable and responsible in their personal and communal existences. Men are responding to God's actions; they are responsible to God in all their interactions.[3]

This does not mean that conduct is established in advance, or that the dialogue has been rehearsed, thus losing its spontaneity and freedom.[4]

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[1] J. Fletcher, "The New Look in Christian Ethics," 12.

[2] J. Fletcher, Moral Responsibility, 8.

[3] J. Gustafson, "Christian Ethics," 303.

[4] D. Bonhoeffer, Ethics, 227.

But it means that not just any old answer is meaningful, and that meaningfulness does not depend solely upon one's "wishing" one's answer to be meaningful. Understanding of the question, knowledge of the "language" and its meaning, and rightful use of it, are conditions for meaningful dialogue.[1]

The same remarks may be said to apply to the assumption of relativism. "As the strategy is pragmatic," writes Fletcher, "the tactics are relativistic,"[2] i.e., "calculating" with reference to the situation.[3] "The situationist /writes Fletcher/ avoids words like 'never' and 'perfect' and 'always' and 'complete' as he avoids the plague, as he avoids 'absolutely'."[4]

The relativity of the situation, the relativity of the "how to be loving" in the situation, has as point of reference the constant of love.[5] After all, "There must be an absolute or norm of some kind if there is to be true relativity."[1] What Fletcher does not seem to realize is that by relegating love as a property to God alone, he has left his relativism without a constant. To be sure, there is the constant of the "command" to love and act in a loving way. But what does it mean? Again, we come to the same question. The radical nominalism embraced by Fletcher does not permit any meaningful talk about behavior, since there is no norm according to which one can catalogue a piece of behavior as loving or unloving. Placed in a room amidst thousands of like bottles filled with equal amounts of the same substance, one would have to apply to them all the same label, or else, in quite an arbitrary fashion, single some to be labelled x or y or z, depending on one's arbitrary choice. In such a case what reasons could one offer for one's choices? Or how could one talk to others meaningfully about them? Would it help to say that one's labelling actions were "relative" to the "constant command" of behaving, say, in an artistic way? The actions of labelling some bottles x or y or z might, for the agent, "seem" to be performed in accord with the command. But how could he "know" this was so, how could he be sure? How could he know that this was more in accord with the command than labelling them t? If asked about it, how could he explain his action, beyond saying that this "seemed" to him to be the best implementation of the command? And if asked why x, y, or z, rather than t, what justification could he possibly offer? The only possible justification, in any case, would be a reference to one's own inner experience, a justification which would be acceptable if morality were a matter of pure individual concern, and accountability were to be considered as purely private.[1] But this is, at least verbally, rejected by Fletcher. Yet the conclusions that follow from his tenets place him squarely within the camp of subjectivism, antinomianism, and utter solipsism.

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[1] McCabe writes: "If there are no public criteria by which we may recognize at least lack of love, how do you recognize it yourself? If the word 'love' does not have a meaning in the public language (which implies at least criteria of its misapplication) how can it have meaning to you, how do you know that what you are doing is loving?" (H. McCabe, "The Validity of Absolutes," 436).

[2] J. Fletcher, Situation Ethics, 43; J. Fletcher, William Temple, 147, 156 ff.

[3] J. Fletcher, Situation Ethics, 27.

[4] Ibid., 43-44. How untrue is Fletcher to his own description of the situationist! This inconsistency prompted Borowitz, op. cit., 333, to remark that "What started out free and situational ends up so hedged and bound that it is difficult to dissociate him from the criticism he has levelled at others."

[5] J. Fletcher, Situation Ethics, 45.

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[1] Ibid., 44-45.

The sad thing is that relativism need not lead to this extreme of absurdity. The denial of absolutism is quite compatible with an objectivity at once meaningful and constant. In a context similar to the present one, Simone de Beauvoir writes as follows:

> If man is free to define for himself the conditions of a life which is valid in his own eyes, can he not choose whatever he likes and act however he likes? Dostoievsky asserted, "If God does not exist, everything is permitted." Today's believers use this formula for their own advantage. To re-establish man at the heart of his destiny is, they claim, to repudiate all ethics. However, far from God's absence authorizing all license, the contrary is the case, because man is abandoned on the earth, because his acts are definitive, absolute engagements. He bears the responsibility of a world which is not the work of a strange power, but of himself, where his defeats are inscribed, and his victories as well. A God can pardon, efface, and compensate. But if God does not exist, man's faults are inexpiable. . . . One cannot start by saying that our earthly destiny has or has not importance, for it depends upon us to give it importance. It is up to man to make it important to be a man, and he alone can feel his success or failure.[2]

Similarly, far from absolutism's absence authorizing all license and subjectivity, the contrary is the case. Man bears the responsibility, in dialogue with other men, to decide which structures and activities in life are meaningful and adequate expressions of love, so that his actions can be measured by them and count as loving or unloving depending on their success or failure to conform to the practice. This does not mean that the practice cannot change. All it means is that man can speak to his neighbor, and understand him and be understood, in turn, by him. All that it means is that a kiss will be known to be a sign of love, not hate.

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[1] Cf. Alfred J. Ayer, The Problem of Knowledge (Baltimore: Penguin Books, 1956), 58-61, 205-209.

[2] S. de Beauvoir, op. cit., 15-16.

The Meaning of Love

One thing is to posit love as a supreme principle, quite another is to develop in detail the meaning of this principle. Fletcher devotes more than half of Situation Ethics to the explication of the meaning of love. He does this by detailing six propositions which summarize all that, situationally, can be said of love. We shall follow here again his structure.

Love Alone Is Intrinsically Good

This first proposition is simply an explication of the nominalistic assumption, applied to love. Fletcher states it as follows: "Only one 'thing' is intrinsically good; namely, love: nothing else at all."[1]

Love is "something" only in God, of course: God is love. Consequently, love is "intrinsic" only in God: only of God can we say that he is loving. And since everything that God is must be good by definition, "good" can be said to "belong" only to love-in-God, or to God-love. The only intrinsically good value is love--but only when it is God-love.[1]

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[1] J. Fletcher, Situation Ethics, 57.

Strictly speaking, what this means is that "God alone is good." Saying that love alone is good in so far as it is a property of the deity, or in so far as the deity _is_ love, is not different from saying that wisdom is good in so far as God is wise, and that might is good in so far as God is mighty. Wisdom and might, _in God_, are as intrinsic as love, and consequently as good as love. Fletcher's restriction, his claim that _only_ love is intrinsically good--meaning that, since God _is_ love, love is _good_--is most certainly unfounded and unjustified.

But what Fletcher is trying to say is that from the nominalistic point of view, things cannot be qualified as good or evil _in themselves._ They must be qualified as good only if, and in so far as, they "happen" to be used _by_ persons _for the sake_ of persons. Valuation, in other words, depends on persons for their _subject_ and on persons for their _object_--and on love for their motive. Love, then, is not a "thing," it is not something men have or are,[2] but is simply a _predicate_ of actions when they are done out of the motive or principle of love. Love, therefore, as a principle or motive, or as the "_regulative principle_ of Christian ethics,"[3] is defined as "a way of relating to persons, and of using things," "a way of characterizing what we _do_ when we actually _act_ in a concrete situation."[4] Love is benevolence, goodwill.[5]

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[1] _Ibid_., 62.

[2] J. Fletcher, _Situation Ethics_, 61.

[3] _Ibid_.

[4] _Ibid_.

[5] _Ibid_., 63.

Now, what is meant by saying that love is not an intrinsic quality of things, is that actions may or may not conform to this regulative principle of love. If they actually do conform, then the action may be termed loving _and consequently_ good or right. This actual conformity can be ascertained only in the situation in which the action is posited. It cannot be predicated of it in advance of the action itself.[1] If love is defined as "the active will to contribute to the neighbor's wellbeing,"[2] then what the neighbor's wellbeing will demand cannot be anticipated, since it will vary from situation to situation. So, whenever in a particular situation, a person's action can be said to have contributed to another person's wellbeing, that action will be termed loving, and consequently good. The qualification, however, will be valid only for that particular action in that particular situation. The action _itself_ will not become good and loving, and consequently it might, in a different situation, be termed unloving.

The obvious difficulty is how to know what constitutes a person's wellbeing. And to this question Fletcher answers simply by saying that a person's wellbeing cannot be described ahead of the particular situation. Only within a situation can one, after careful consideration of all the factors involved, decide what the person's wellbeing entails and, consequently, what action, by fostering the person's determined wellbeing, could count as loving within the situation, and therefore as good.

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[1] Doesn't predication of the quality of an action then, involve some retrospection?

[2] J. Fletcher, "Agreement and Disagreement," 438.

This would seem to answer the objection that Fletcher's nominalism does not permit us to talk meaningfully about human moral behavior. Human wellbeing, or personalism, would be the constant, the fulfillment of which empirically verified, would situationally grant us the right of qualifying an action as loving and, therefore, as good.

But this reprieve must needs be short-lived. For how could we settle any disagreement between the agent and the beneficed with regard to what the latter considered his wellbeing, and with regard to whether it had been fostered or not? Can we suppose that the agent and the beneficiary, in all particular situations, will agree as to what constitutes the wellbeing of the beneficiary, and as to which actions will best increase it?

But agreement may not be needed at least with regard to the fulfillment. For, as Fletcher will maintain, whether or not the action did, in fact, contribute to the wellbeing of a person can be discerned after the action is posited, i.e., by its consequences. Still, even at this particular stage, disagreement is possible, and, in fact, common. Moreover, the consequences of a good many actions are so complex, and the beneficiaries so varied, that the discernment of wellbeing might be considered to be impossible. Such actions, one imagines, would have to remain unqualified. In such cases all that could be said is that the loving motive or intention failed to be realized fully in the situation.[1]

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[1] J. Fletcher, "Agreement and Disagreement," 437-439.

But wouldn't this reduce morality to subjectivism, a pure question of motive? There are strong indications that this may be part, at least, of what Fletcher has in mind--despite his avowed rejection of it. Although generally Fletcher couples love with the situation, there are instances when he seems to have in mind _only_ love as a motive. He writes, for instance:

> There is in Christian ethics with its love norm only one thing which is intrinsically good, always and everywhere, _regardless of circumstances_. That one thing is _love itself_. On the reverse side, malice is therefore the only thing intrinsically evil. Kant's second maxim, to treat people as ends and never as means, parallels St. Paul's "law of love." And Kant's contention that _the only good thing is a good will_, which is what the New Testament means by love, goes necessarily with his second maxim. Whatever is "benevolent" is right; whatever is "malevolent" is wrong.[1]

Here, the coupling of "regardless of circumstances" with "a good will" would seem to indicate that Fletcher had in mind _only_ the loving intention, "bene-_volence_." But, once more, this is not clear. Because in the same paragraph we have "love itself," as the only _intrinsically_ good thing, associated with the "good will," an association that would seem to indicate that _the will_, in so far as it is well motivated, or motivated by love, is intrinsically good, a most anti-nominalistic assertion.

Actually, this confusion has its origin in Fletcher's failure to make his distinctions clear. Obviously, at the level of human action, it makes no sense to talk of love being _intrinsically_ good, as Fletcher asserts so often. For Fletcher, love is intrinsically good only in God, and that, simply, because God is love. For the human moral agent, there is a command to act lovingly, a command which, one can say, must be good since it is proceeds from God. To act according to this command means to have it as the motive of moral behavior--or as the only valid motive of moral behavior. But to act because of love does not make the will intrinsically good, since nothing is intrinsically good except God. Given Fletcher's premises, the only meaning possible here is that in a particular situation, a will which has love as motive can be termed good in the situation, nothing more. Butthis, again, raises the problem of subjectivism.

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[1] J. Fletcher, "The New Look in Christian Ethics," 9 (Emphasis added.)

Theoretically speaking, the furthering of the neighbor's wellbeing would sufficiently objectify the motive of love, adding the weight of pragmatic verification to the intention. But, as we have been trying to point out, this wellbeing is often impossible to determine, and its furtherance often impossible to verify. In which cases we would be left with a pure subjective intention.

Take, moreover, the cases, not so rare, where the subject has another's wellbeing at heart, but the action performed to further this wellbeing appears, in fact, injurious to the other person.[1] From the

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[1] Not to mention the cases where the subject "thinks" he has another's wellbeing at heart, when in fact he has his own selfish interests in mind.

Of such instances Kant writes as follows: "It is absolutely impossible to make out by experience with complete certainty a single case in which the maxim of an action, however right in itself, rested simply on moral grounds. . . . Sometimes it happens that with the sharpest self-examination we can find nothing beside the moral principle of duty . . . ; yet we cannot from this infer with certainty that it was not really some secret impulse of self-love, under the false appearance of duty, that was the actual determining cause of the will. We like them to flatter ourselves by falsely taking credit for a more noble motive; whereas in fact subject's point of view the action would be termed loving, and therefore good. But this would not be so in the beneficed's eyes.[1] If such a disagreement arose, there would be no way of solving it except by reference to an independent, objective norm.

All this goes to show that Fletcher's nominalism can work ethically only if there is a minimum of objectivity at the level of both the action performed and the motive of the agent. We have said enough about the objectivity that would be provided by principles, practices, and the structures of society, with regard to the act itself. With regard to the motives, one can point out that motives need not be considered as purely private, as purely subjective, especially when they derive from a command which is supposed to be universally valid. The command's being universally compelling should, in fact, make it possible for individuals

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we can never, even by the strictest examination, get completely behind the secret springs of action; since, when the question is of moral worth, it is not with the actions which we see that we are concerned, but with those inward principles of them which we do not see" (I. Kant, *Fundamental Principles of the Metaphysic of Morals*, Section II, trans. T. K. Abbott, Vol. 42 of *The Great Books of the Western World* [54 vols.; Chicago: Encyclopaedia Britannica, 1952], p. 262).

[1] Augustine has this in mind when he writes: "We may find men angered by an act of love, and made kind and well disposed by malice. Take the case of a boy punished by his father, who, at the same time, receives favors and caresses from the slave master. Now, if you were to propose to anyone both punishment and enjoyment, who would not choose the pleasure and reject the punishment? Yet if you look at the persons involved in this case, it is love that punishes, while malice profers favors. So you must note what it is we are emphasizing here, namely, that the deeds of men cannot be sorted out except through charity. For many things are done which appear good, yet do not grow from the roots of charity. On the other hand, even thorns sprout flowers, and so some things which look harsh, even cruel, are done for the purpose of instruction, under the lead of charity" (*Ep. Joan*. vii. 8; ML 35, 2033).

to commune and objectify the demands of the command. Being able to feel oneself motivated by its demands need not lead to a purely subjective internalization and adoption of the command but, on the contrary, should provide an opportunity for communing with those who also have felt the demands of the command and are trying to regulate their actions by its demands.[1]

Briefly, if Fletcher's norm remains vague and unworkable[2] it is not because of his nominalism but because of his failure to provide realistically an objective context in which the command to love can be meaningfully implemented and verified.[3]

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[1] McCabe writes: "It was, I think, the greatest achievement of Wittgenstein to show that the mental world is not private. To have a mind is not essentially to have a means of withdrawing from the public world into a secret world of your own, it is to have a special way of belonging to the public world, it is to belong to a community" (H. McCabe, "The Validity of Absolutes," 433).

[2] Referring explicitly to situation ethics, Springer remarks that "There are weaknesses . . . in such open approaches. They are apt to be vague unless the nature of love is spelled out in terms of specific guidelines for conduct" (R. H. Springer, "Notes on Moral Theology," 323).

[3] The only way in which love could be left so undefined and still be considered as sufficient for moral behavior would be to give it the theonomous meaning it possess in Lehmann and Brunner, as well as in Paul and the Christian (and non-Christian) orthodox mystical or gnostic tradition. But Fletcher, as we have seen, explicitly rejects this interpretation.

Bishop Robinson has this in mind when he writes: "Love alone, because, as it were, it has a built-in moral compass, enabling it to 'home' intuitively upon the deepest need of the other, can allow itself to be directed completely by the situation" (J. A. T. Robinson, Honest to God, 115).

Yet, even the theonomous conscience needs its koinonia! This is what Gleason has in mind when he writes:

Except for Love, There Is No Law

Fletcher's second proposition runs as follows: "The ruling norm of Christian decision is love: nothing else."[1] In other words, above all other principles and rules there is one, and only one, law which is universally applicable and whose obligation is exceptionless, namely, love.[2] Which means, by implication, that no principle or rule is absolute--except love.

The source or origin of this law is, of course, revelation. It is in revelation that God is said to be love, and we saw that this is accepted positivistically, as an assumption of situational ethics. But while this revelation of what God is is accepted by situationists, all other precepts and rules and commandments also found in revelation are rejected as absolute.[3] The revelation that God is love--and that, therefore, love is good--takes precedence over everything else.

"Judgments concerning internal facts which are called intuitive are objectively valid not because of the strength of the personal persuasion of the subject but because they are immediately known as expressions of the objective order quite independent of the subject's persuasion. There are also judgments of reality which are direct rather than reflex and which correspond to the subject's habitual knowledge of a certain question, although the reasons for this judgment cannot be immediately proferred. But again these judgments are not in conformity with being because the subject is so persuaded but because the subject has a primitive or intuitive judgment of their conformity with objective reality. They may not be demonstrated syllogistically but can be confirmed by metaphysical reflection or indirectly. The criterion of their truth is their conformity with reality and not with an internal persuasion" (R. Gleason, op. cit., 554).

[1] J. Fletcher, Situation Ethics, 69.

[2] R. Gleason, op. cit., 553.

[3] J. Fletcher, Situation Ethics, 26.

> Christian situation ethics [writes Fletcher] has only one norm or principle or law (call it what you will) that is binding and unexceptionable, always good and right regardless of the circumstances. That is "love"--the agapê of the summary commandment to love God and the neighbor.[1]

Fletcher is here referring to Deuteronomy 6:4-5 and to Mark 12:29-32, which he interprets not in the sense of a "compendium" but as a "distillation" of the essential spirit and ethos of the totality of the law.[2] Love, therefore, becomes a univalent and monolithic standard, shouldering aside all other codes.[3] Principles and rules, interpreted as maxims of no more than general importance, may be followed if and when they serve love, never for their own sakes.[4] In other words, love is not just a principle one invokes in extreme or exceptional circumstances, but the only absolute, obligatory law.[5] There may be different ways of implementing the law of love, and this accounts for the relativity and situational character of situationism. But the obligation to act lovingly is absolute and unexceptional. Yet only thus can man's freedom be fully preserved and the needs of the neighbor met,[6] only thus is the

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[1] Ibid., 30.

[2] Ibid., 71.

[3] J. Fletcher, "The New Look in Christian Ethics," 9.

[4] J. Fletcher, Situation Ethics, 70-71.

[5] J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 326.

[6] "Because the simple man knows God, because God is his, he clings to the commandments, the judgments and the mercies which come from God's mouth every day afresh. Not fettered by principles, but bound by love for God, he has been set free from the problems and conflicts of ethical decision. They no longer oppress him. He belongs simply and solely to the

Sabbath finally subordinated to man.[1]

We have discussed at length the objections that can be raised against this exclusiveness of love as the only law. Here we would like to emphasize that even when love is placed at the pinnacle of moral absolutes, it need not altogether dislodge the law, and that true love will seek, in fact, to express itself precisely in and through the law. As Brunner put it,

> The order of creation cannot be revoked, the idea of . . . the ethical law of God, which shows us how things ought to be, and on which irrevocably and with deep seriousness we come to grief. It is an unalterable fact that the Divine Command can only be discovered "through" this law, and not by ignoring it. The other truth, however, is equally important, namely, that the existence of this universal law relieves no one of the trouble of discovering for himself what God's command means for him, and, finally, that no one can teach another person what God demands from him. For . . . even above the order of creation, stands the will of God, which here and now requires nothing of me save that I should meet my neighbor in the spirit of responsible love. But no universal law can anticipate what this means.[2]

Love need not be unprincipled, and principled love need not be enslaving. As Rahner has put it, the moral agent cannot be wholly fettered. His action, in so far as it is posited in a time-space continuum, in so far as it has physical characteristics, concretizes or particularizes the general law. But man's spirit, man's love, man's creative impetus,

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will of God. It is precisely because he looks only to God, without any sidelong glance at the world, that he is able to look at the reality of the world freely and without prejudice. And that is how simplicity becomes wisdom" (D. Bonhoeffer, Ethics, 68).

[1] Cf. J. A. T. Robinson, Honest to God, 116-117; A. Miller, "Unprincipled Living: the Ethics of Obligation," 28.

[2] E. Brunner, op. cit., 355 (Emphasis added.)

cannot be circumscribed within the narrow limits of "particular applications of a law." Man, as a moral agent, always remains free, individual, and his action, in so far as it is the action of a human person, is always unique and unrepeatable.[1]

Love and Justice Are the Same

Fletcher's third proposition is this: "Love and justice are the same, for justice is love distributed, nothing else."[2] In simple terms, Fletcher is here fusing and equating what most ethicists consider to be the two fundamental principles of all morality, love and justice.

The reason for this identification is simple enough. Granted that love is the supreme ethical principle, how does one go about solving the problems that arise when there are several persons whose wellbeing puts demands on one subject's benevolence? The problem is compounded when the principle of love is faced with justice, which demands that each person should receive his or her due.

> Here is precisely the serious difficulty of love. How are its favors to be distributed among so many beneficiaries? We never have one neighbor at a time. How are we . . . to be just about love, how are love and justice related? If to love is to seek the neighbor's welfare, and justice is being fair as between neighbors, then how do we put these two things together in our acts, in the situation?[3]

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[1] K. Rahner, "On the Question of a Formal Existential Ethics," 220-227. See also J. G. Milhaven and D. J. Casey, "Introduction to the Theological Background of the New Morality," 223-226.

[2] J. Fletcher, Situation Ethics, 87.

[3] J. Fletcher, Situation Ethics, 88. Elsewhere he writes: "Granted that justice is giving to each man what is his due, according to the classical definition, how are we to calculate and distribute love's benefits as between several claimants? Because as persons we exist in community, love's outreach is pluralist, not monist" (J. Fletcher, "The New Look in Christian Ethics," 11).

Only a "misdirected and confused conscience" would try to see this problem as an issue of justice versus love, or a choice between justice and love.[1] Actually, no such conflict need arise, since when love is careful, when it is responsible, thoughtful, considerate, when it makes estimates and uses its head and weighs matters in calculating fashion, it is being *just*. Justice is love distributed; love is what justice distributes.

> Christianly speaking, we know . . . that *agapê* is what is due to all others, to our various and many neighbors whether we "know" them or not. Justice is nothing other than love working out its problems.[2]

Elsewhere Fletcher expresses the same idea:

> Justice is love calculating complex, pluralistic situations, using its head, distributing its services and concern. Justice is love facing the social and circumstantial dimensions of life and history.[3]

This is, precisely, what the situational method is all about, namely, "finding absolute love's *relative* course,"[4] calculating the immediate and remote consequences of actions.[5] "Justice is the many-sidedness of love,"[6] and love, as encompassing justice, may be defined as "goodwill at work in partnership with reason."[1]

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[1] J. Fletcher, "The New Look in Christian Ethics," 11.

[2] J. Fletcher, *Situation Ethics*, 95.

[3] J. Fletcher, "Anglican Theology and the Ethics of Natural Law," 329. In *Situation Ethics*, 89, he writes: "Faced as we always are in the social complex with a web of duties, i.e., giving what is 'due' to others, love is compelled to be calculating, careful, prudent, distributive. It must be omnified, taking everything into account, and optimific, doing all that it can."

[4] J. Fletcher, "The New Look in Christian Ethics," 11.

[5] *Ibid*., 12.

[6] J. Fletcher, *Situation Ethics*, 89.

This identification of love and justice is possible only because

> in their primary meaning both "love" and "justice" are volitional rather than emotional in the Christian interpretation. They are not different--love being a matter of "feeling" and justice a matter of "willing." They are not even merely alike. They are the same.[2]

Moreover, they are both *extrinsic*, predicates, "contingent in any action or relationship." "*Agape* or neighbor-love is not something we have or give. It is something we do or do not do. And so with justice."[3]

Consequently, they are both one and the same thing. Their complete identity, in short, prompts Fletcher to recommend that we

> Never use the word "love" in Christian ethical discourse. Every time we think "love" we should *say* "justice." For justice has not been hopelessly sentimentalized, or romanticized, or individualized.[4]

In the next section we shall be dealing with the notion that love is non-emotional or voluntaristic. Here our concern must be simply with justice and its identification with love.

Fletcher seems to have in mind the "classical" idea of justice that implies giving to each one according to his deserts or merits. This is, of course, one view of justice, and one which we do not generally favor, since it raises the problem of determining what will constitute a person's deserts or merits, and of producing criteria which will enable us to decide what will be the due corresponding to such deserts or merits.[1] We favor the egalitarian view of distributive justice which states the prima facie duty of treating everyone equally unless relevant reasons can be proffered for treating some one differently.

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[1] *Ibid.*, 69.

[2] J. Fletcher, *Moral Responsibility*, 49. In his *William Temple*, 155, Fletcher writes: "Actually the social virtue of justice is love's rival or antagonist, or its policeman, only when it is natural (*eros*) love, i.e., self-regarding, preferential love. But love is its own policeman if it is Christian or *agape* love, for theological love is always aware of its obligations to go out to all neighbors however many there are, not just to friends or a single beloved."

[3] J. Fletcher, *Moral Responsibility*, 55.

[4] *Ibid.*, 57.

The classical view of justice poses a number of questions, as we have said, such as deciding what constitutes some one's deserts or merits. Will it be virtue, as with Aristotle? Or contributions to social welfare? And then, what kind of virtue or what type of social contributions? Monetary? Social work? And what contributions deserve the most? How, or according to what criteria are dues matched to deserts or merits?

Granting that love is what is due to persons according to their deserts or merits, how do we "compute" the amount of love, or the kind of expression of love, that is due to every particular type of merit? Even if, with Fletcher, we say that this decision is to be made situationally, the problem is merely postponed.

On the other hand, the egalitarian view of distributive justice does not necessarily solve all the questions raised. Assuming justice to mean that love is due equally to all unless some relevant reason can be found to justify differentiation, this still leaves unsolved the problem of finding relevant reasons. But at least one would have one norm, that of equal treatment, a norm which would hold until and unless relevant reasons were offered to justify any sort of inequality.

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[1] W. Frankena, Ethics, 40-41.

A final word must be said here with regard to the identification of justice and love. If Fletcher really means to say that justice and love are *one and the same*, or identical, then this would make the supreme principle of situationism a twofold law implying always (1) that one must act lovingly, (2) according to people's deserts.

Strictly speaking, there is no difficulty in holding to such a view. But it is open to confusion, since presumably, the content of justice need not be, in all cases, just love: the motive behind distribution can surely be love, but *what* is distributed may be peanuts, or stocks, or automobiles. Moreover, even if ideally love should be always distributed together with whatever else is distributed, the possibility remains that some one, at least, will be just without being loving.

But even if love and justice are identified as Fletcher proposes, there still seems to be at least a logical priority of love over justice. In fact, there *is* such a thing as distributive justice because there *are* "things" to be distributed. If there were nothing at all to apportion, because everybody had "enough" of everything, it would make no sense to talk about distribution and justice. However, the moment there is something to be allocated or dispensed, especially if that "something" is of extreme importance, like "love," then the principle of justice is immediately required. Put differently, the moment one has to act lovingly in different situations, involving different persons with different claims and deserts, justice is required to provide some guidelines for the right apportionment of love. All of which, of course, makes justice and love the two fundamental principles of ethics. But whether or not this is sufficient justification for calling and treating them as identical is quite another matter.

Love Is Not Liking

Fletcher's fourth proposition asserts that "*Love wills the neighbor's good whether we like him or not*."[1] Christian love or *agapê* is a matter of attitude, not of feeling. Love is not sentimental, but discerning:[2] that is why it can be identified with justice. In Fletcher's own words,

> *Agapê*'s desire is to satisfy the neighbor's need, not one's own, but the main thing about it is that *agapê* love precedes all desire, of any kind. It is not at all an emotional norm or motive. It is volitional, conative. The ethic of *agapê* is a *Gesinnungs-ethik*, an attitudinal ethic.[3]

This means, essentially, that love, for Fletcher, is always identified with *agapê*, that is, benevolent love (*amor benevolentiae*), good will.[1] In other words, it is distinguished from _erôs_ or romantic love, the love of the lovable; and also from _philia_ or mutual love of benevolence, the love of friends.[2]

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[1] J. Fletcher, *Situation Ethics*, 103.

[2] *Ibid*., 103. Fletcher finds this to be the meaning of Augustine's "*Dilige, et quod vis fac*" (*Ep. Joan*. vii, 8; ML 35, 2033). He points out that Augustine did not use "*ama*," but "*dilige*," which implies a certain *care*-fulness, consideration, calculation. See J. Fletcher, *Situation Ethics*, 87; J. Fletcher, "The New Look in Christian Ethics," 10.

[3] J. Fletcher, *Situation Ethics*, 104.

The reason for this exclusive emphasis on _agapê_ is, first of all, that only _agapê_ can be commanded. If love is to be a principle, and if it is to have the force of a law or a command, it must entail that its actions can be posited at will. But love as eros cannot be commanded, since it involves affectivity and sentiment, which are not available simply at the prompting of one's wish. Philia, on the other hand, cannot serve the purpose, since it implies mutuality, and is, therefore, dependent on another besides the subject. Only agapê, being primarily a matter of will, can be commanded also at will, and can, therefore, provide for the universal prescriptiveness of a supreme principle.[1]

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[1] _Ibid_., 105.

[2] Cf. J. Pike, _op. cit_., 70. In Fletcher's words: "Christian love is not desire. _Agapê_ is giving love--non-reciprocal, neighbor-regarding--'neighbor' meaning 'everybody,' even an enemy (Luke 6:32-35). It is usually distinguished from friendship love (_philia_) and romantic love (_erôs_) both of which are selective and exclusive. Erotic love and philic love have their proper place in our human affairs but they are not what is meant by _agapê_, agapeic love or 'Christian love." Erotic and philic love are emotional, but the effective principle of Christian love is _will_, disposition; it is an _attitude_, not feeling. Situationists welcome the German label for this conception, _Gesinnungs-ethik_, an attitudinal ethic rather than a legal one. 'Have this mind among yourselves, which you have in Christ Jesus' (Phil. 2:5) and _then_, as Augustine says, whatever you do will be right!" (J. Fletcher, _Situation Ethics_, 79).

It should be obvious that Fletcher is here recommending the kind of orthodox gnosis he mistakenly condemns elsewhere!

A word should be said here about Fletcher's misunderstanding of Thomistic "charity." In _Moral Responsibility_, 46, he asserts that Thomistic moral theology has "Traditionally treated 'charity' as an appetite, along with justice and kindness and reverence." Frankly, this appears to be Fletcher's invention. For although love is considered to involve desire (for which often the Latin _appetitus_, tendency, is substituted), there does not appear to be any association with justice or reverence under this heading.

Similarly, his reading of St. Thomas as implying that "charity" is "_friendship_ with God and man" or _philia_, is as unlettered a reading of Aquinas as can be found. For Aquinas, "love of friendship" does not always connote the mutuality of _philia_. Often the terms stand for "love of benevolence," since this is the only kind of love on which friendship can be built. Cf. _Summa Theologica_, II-II, 23, 1; II-II, 25, 2; where Aquinas deals with charity; II-II, 27, 2 and II-II, 24, 1, where love in general is distinguished from benevolence; I-II, 26, 1 and 4, where friendship is detailed.

Secondly, if love is to be calculating, if it is to be identified with justice, it cannot afford to be blinded by passion and emotion: it must keep its head "cool" and clear so as to weigh justly the different demands of the neighbor.[2]

Thirdly, if love is to be universal, in the sense of encompassing every neighbor, even those we do not particularly "like," it must be agapê, since only agapê does not depend on emotion and "like."[3] For Fletcher, agapê

> does not seek the deserving, nor is it judgmental when it makes its decisions--judgmental, that is, about the people it wants to serve. Agapê goes out to our neighbors not for

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[1] J. Fletcher, Situation Ethics, 106. Kant, in his Fundamental Principles of the Metaphysic of Morals, I, p. 259, writes that "love, as an affection [i.e., as erôs], cannot be commanded, but benevolence [or agapê] for duty's sake may; even though we are not impelled to it by any inclination--nay, are even repelled by a natural and unconquerable aversion. This is practical love [agapê] and not pathological [erôs]--a love which is seated in the will, and not in the propensions of sense--in principles of action and not of tender sympathy; and it is this love alone which can be commanded."

[2] J. Fletcher, Situation Ethics, 117-118.

[3] Cf. E. Brunner, op. cit., 296.

> our own sakes nor for theirs, really, but for God's. We can say quite plainly and colloquially that Christian love is the business of loving the unlovable, i.e., the unlikable.[1]

Pike objects quite definitely to this understanding of the Christian love-principle. Agapê, he says plainly, in this exclusiveness, is treating persons as things, since the need of being treated as a person is not being met fully. In other words, to leave unsatisfied and unfulfilled the human need of the person, is to treat the person as a thing, i.e., as a non-human. Agapê, therefore, even though it be the fulfillment of a command, cannot be considered to be the full good. Put differently, the command to love, if by love one understand only agapê, does not encompass the fullness of good that a person can do to another person. Agapê does not involve the entire subject in answer to another person, but only the "cold" will, the "attitude."[2] And this incompleteness, concludes Pike, is not merely "there:" it is quite noticeable and hurtful to the agapêized person.

If this criticism is true--and we think it is--then agapê must be considered as a last resort, a minimum, the minimal obligation entailed by the command to love. Agapê must be considered to be the least, not the most, love one can be expected to have for another person.

It is, of course, true, that agapê, as "attitudinal love," can be commanded, while erôs cannot. Pike's criticism is directed really at the complacency engendered by this undeniable fact. While erôs may not be at the beck and call of necessity as *agapê* is,

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[1] J. Fletcher, Situation Ethics, 105.

[2] J. Pike, op. cit., 71-72.

> While one cannot will, and thereby automatically effect, *erôs* (as one can *agapê*), one can change the context from a situation unfavorable to the appearing of *erôs* to one more favorable. Certainly one can better dispose oneself toward the appreciation of what may be attractive in another person. This can be done, depending on the situation, by getting rid of the barriers that blind one to the good qualities of another through greater understanding of oneself or the other, or by focusing attention more closely on the other's looks, conversation, and action.[1]

From this point of view, the command to love, in its wider comprehensiveness, requires much more than the sole attitudinal goodwill of *agapê*. It requires far greater effort and imagination, courage and honesty.[2] Fletcher is only partly right to think that a lot of our trouble can be traced "to an inveterate tendency to make love a sentiment rather than a formal principle."[3] Far more troublesome, perhaps, has been the well-meaning but cold, just attitude of *agapê*.

To be sure, *erôs* "tends" to particularize, to narrow down the range of its interest.[4] But it possesses the warmth *agapê* lacks. That is why *both* are needed, and must be included in the *fullness* of the command to love.[5]

Not that Fletcher is entirely opposed to the admixture of both

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[1] J. Pike, *op. cit.*, 77-78.

[2] *Ibid.*, 89.

[3] J. Fletcher, *Situation Ethics*, 94.

[4] *Ibid.*, 119.

[5] See the very interesting remarks of E. Brunner, *op. cit.*, 342 ff.

agapê and *erôs*.[1] But he places too much emphasis on the agapeic quality of love, considering the feeling as secondary, "one of love's dividends."[2] From this point of view Tillich's statement is far more complete and balanced. While asserting that "Love, in the sense of *agape*, contains justice in itself as its unconditional element and as its weapon against its own sentimentalization,"[3] he immediately adds that *agapê* "is a quality of love, that quality which expresses the self-transcendence" of love. Being *a* quality of love,

> *Agape* as the self-transcending element of love is not separated from the other elements that usually are described as *epithymia*--the *libido* quality of love, *philia*--the friendship quality of love, and *eros*--the mystical quality of love . . . and all of them stand under the judgment of *agape*. For love is one, even if one of its qualities predominates. None of the qualities is ever completely absent.[4]

And the reason, as Pike also remarked, is that "Man is a multidimensional unity and not a composite of parts. Therefore all elements of man's being participate in every moral decision and action."[5] Love is one, because man is one. If *agapê* has any pre-eminence it is due precisely because *man* reaches out beyond himself in an effort to transcend all limits. But since its ultimateness arises with reference to man on *this* side of transcendence, love cannot relinquish this unity behind itself. Man remains always the pivot of love's centrifugal as well as centripetal surge.

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[1] J. Fletcher, *Situation Ethics*, 103, 119.

[2] *Ibid*., 109.

[3] P. Tillich, *Morality and Beyond*, 39.

[4] *Ibid*., 40-41.

[5] *Ibid*., 41.

Only the End Justifies the Means

We come now to the fifth proposition, which tries to establish in the context of ends and means the relationship of actions to love as the end. In summary fashion, Fletcher asserts that "Only the end justifies the means; nothing else."[1]

The first point Fletcher seeks to establish is that ends, by which Fletcher really means "aims" or ends-in-view, alone render an action meaningful. Things in themselves do not have any particular orientation or "natural inclination"; this is already denied by the adoption of nominalism and extrinsicalism. A thing or action, therefore, acquires its meaningfulness only in reference to an end, only when it is posited with an end in view.

> Unless some purpose or end is in view [writes Fletcher], to justify or sanctify it, any action we take is literally meaningless--i.e., means-less, accidental, merely random, pointless. Every action without exception is haphazard if it is without an end to serve: it only acquires its status as a means, i.e., it only becomes meaningful by virtue of an end beyond itself. And ends, in their turn, need means. . . . They are relative to each other. In any course of action it is the coexistence of its means and ends that puts it in the realm of ethics.[2]

As this quotation indicates, not only means are relative to ends-in-view: ends themselves are relative, since they in turn become means toward further ends, in an ever on-going process. Only one end is always final, only one end is always absolute and unsubordinatable: love. All means, as well as all ends, are relative as far as their value is concerned. They all must derive their value from love, within the particular situation.[1] "All depends upon the situation, i.e., the relative weight of the ends and means and motives and consequences all taken together, as weighed by love."[2]

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[1] J. Fletcher, Situation Ethics, 120.

[2] Ibid., 120-121; cf. J. Fletcher, William Temple, 161.

By "justifies," therefore, Fletcher means that actions can be called means only in reference to ends, not intrinsically. There is nothing which, by definition, or by nature, cannot be a "means." Anything may be a means--if it has an end. And it derives its meaning from the end.

The second point to be made here, then, concerns the actual relationship between means and ends. Not any end justifies any action as means. Some ends justify some means, namely, those which have a certain relation, or proportion, or "fittingness" to a particular end. The end gives meaning to the means, the end "justifies" the means, but not just any means in general; only those means for which it is an end, only those means which are fitting, i.e., which are related to the end which justifies them.[1]

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[1] "It is of special importance here to emphasize from the situationist's angle of vision, that ends, like means, are relative, that all ends and means are related to each other in a contributory hierarchy, and that in their turn all ends become means to some end higher than themselves. There is only one end, one goal, one purpose which is not relative and contingent, always an end in itself. Love. This is worth stressing. Not only means but ends too are relative, only extrinsically justifiable. They are good only if they happen to contribute to some good other than themselves. Nothing is intrinsically good but the highest good, the summum bonum, the end or purpose of all ends--love. We cannot say anything we do is good, only that it is a means to an end and therefore happens in that cause-and-effect relation to have value" (J. Fletcher, Situation Ethics, 129).

The objection raised above with regard to the impossibility of ever being able to qualify a "means" as good with reference to an end-which-is-a-means-to-another-end-which-is-a-means-to-another-end-which . . . should be kept in mind here. This is a difficulty that must be met by some forms of pragmatism which have not been worked out in sufficient detail. Fletcher's appears to be one of these.

[2] J. Fletcher, "The New Look in Christian Ethics," 14.

Any end, therefore, can justify any means in the sense that anything can serve the particular end of love in a particular situation.[2] On the other hand, not any end justifies any means, but only those means which, in a particular situation, are directed to the end, have a special, particular relation to the end: only those means which "fit" the end.

The old question, "Does the end always justify the means?" involves, therefore, a fallacy. It assumes that there are things which, because of their nature, i.e., because they are intrinsically evil, can never serve even a good end: a good end cannot change the intrinsic evil that is theirs by nature, and therefore an end, even a good end, does not always justify the means it uses, i.e., does not make them good.

Fletcher denies this, of course, because of his nominalism and his love-assumption. He writes:

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[1] J. Fletcher, Situation Ethics, 122. Means, Fletcher explains, always enter into the ends in view "just as the flour and milk and raisins we use enter into the cake we bake. Means are ingredients, not merely neutral tools, and we are called upon therefore to select them with the greatest care. Means are not ethically indifferent" (J. Fletcher, ibid., 121-122).

[2] Ibid., 121.

> Once we realize and truly accept that only love is good in and of itself, and that no act apart from its foreseeable consequences has any ethical meaning whatsoever--only then will we see that the right question to ask is, Does an evil means always nullify a good end? And the answer, on the basis of what is sometimes called "due proportion," must be "No." It always depends upon the situation.[1]

But even this is not "the right question to ask," since for Fletcher there is no such thing as an "evil means." There are only "things," and they will be good if they "happen" to be fitting, or conducive, toward a particular end. "Nothing makes a thing good," writes Fletcher, "except agapeic expediency; nothing *can* justify an act except a loving purpose."[2]

We have noted above, in dealing with the pragmatic temper of situationism, the difficulties that arose in connection with this viewing of human actions as exclusively teleological. If actions are *defined as means*, they can be justified, of course, *only* by an end to which they are "fitting." The problem is, must *every* human action be placed in a means-end context for it to be meaningful at all? If Fletcher's proposition is taken to mean that every human action, in order to be meaningful, must be end-oriented, doesn't this turn out to be a claim that every human action is *intrinsically a means*? In terms of the *command* to act lovingly, does Fletcher mean to say that every human action, to be good, must be done in obedience to the command? An action not performed in obedience to the command would be unloving, and therefore not good. But doesn't this mean that actions are intrinsically relational?

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[1] J. Fletcher, *Situation Ethics*, 126.

[2] *Ibid*., 125.

As Ramsey contends, must every human action be considered as a means in order to be meaningful?[1] Human actions and activities such as moral bonds, convenants of life with life, the good in law and institutions, the good of life in community and in daily communication, all these moral realities "do not, or do not always, or do not to the whole extent of their being, fall under any means-end way of apprehending the structures of human action. They point, rather, to the good-of selves, not to the good-for."[2] They are not things we do in order to, or for something or someone: they are actions we do, activities we live. They are what we are, understanding by this not a finished and intrinsic, unchangeable self, but the developing, dynamic self we are constantly becoming, a self no nominalist, however extreme, can afford to deny. These are questions Fletcher does not discuss.

Love Is Implemented Situationally

We come, finally, to one of the most important elements in situationalism, the situation. Love and personalism are the principles, but they are to be implemented in the situation. Fletcher enunciates this proposition by stating that "Love's decisions are made situationally, not prescriptively."[1] Love alone is still at the helm, for it alone can transform itself according to the differing demands of people in different situations;[2] in Fletcher's words, love alone can plot the course according to the circumstances.[3]

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[1] "A moral action, a fitting moral response, a moral relation is not by definition the means to any end. Therefore, not every human action becomes meaningful by virtue of an end beyond itself, though that is the way a means becomes means-ingful. Not every human action becomes haphazard if it is without an end to serve, though such a silly means would indeed be hapless and haphazard. While it is the end sought that gives a means used its meaningness, not every human action or relationship needs such meaningness to be meaningful. While a means cannot justify itself, not every human action needs to find justification by becoming a means" (P. Ramsey, Deeds and Rules in Christian Ethics, 183).

[2] Ibid., 191-192.

The concern for the circumstances, for the context of the action, for the situation, is what gives "situationism" its name.[4] It is not enough to state that love alone is good, or that one is commanded to love, and that one must be personalistic. Still, one must have recourse to the specific instances or situations in which people are placed, and examine their needs, balance their demands, analyze the "facts" of the situation, and then, finally, make a decision.

> As the Christian situationist sees it [writes Fletcher], his faith answers for him three questions of the seven always to be asked. These three are his "universals." He knows the _what_; it is love. He knows the _why_; for God's sake. He knows the _who_; it is his neighbors, people. But only in and

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[1] J. Fletcher, _Situation Ethics_, 134.

[2] J. A. T. Robinson, _Honest to God_, 115.

[3] J. Fletcher, "The New Look in Christian Ethics," 16.

[4] "The name [contextualism] is earned by virtue of the stress placed upon doing the right thing in relation to what is occurring. What is occurring has both its empirical aspects (a reading of the events and the times) and its theological aspects (a discerning of what God is doing)" (J. Gustafson, "Christian Ethics," 326).

Here, Gustafson has in mind Lehmann's "contextualism," but the description applies to Fletcher as well. Fletcher, however, in _Situation Ethics_, 14, prefers to restrict the meaning of situation to the concern "to fit objective circumstances," without bringing in the theological considerations of Lehmann.

> of the situation can he answer the other four questions: When? Where? Which? How? These are . . . the kairos factors.[1]

Actions are right or good because of the lovingness that "happens" to them, that is, because they are love-dispensing, motivated by love, and having persons as their objective. These are factors of Fletcher's faith assertions or assumptions. The rest, the actual distribution of love, must be decided in particular instances, in situations. The faith assertions, therefore, are not sufficient, though they are required, for the rightness of an act; for the

> righteousness (rightness) of an action does not reside in the act itself but "holistically" in the loving configuration of the factors in the situation--in the "elements of a human act"--i.e., its totality of ends, means, motive and foreseeable consequences. The rightness is in the Gestalt or shape of the action as a whole, and not in any single phase or dimension of it.[2]

Fletcher seems to be saying that love alone, as the motive of ethical behavior, is not enough to ensure the rightness of the particular action. Rightness supervenes from the presence of all the factors mentioned above. Briefly, from personalistic love and the situational factors. Situationism is not simply a love-ethics: it is

> an ecological ethics, for it takes as full account as possible of the context (environment) of every moral decision. This means looking carefully at the full play of ends, means, motives, and result. The rightness is in the Gestalt or shape of the action as a whole, and not in any single factor or ingredient.[3]

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[1] J. Fletcher, Situation Ethics, 142.

[2] J. Fletcher, "The New Look in Christian Ethics," 16. See also Situation Ethics, 141, and J. Pike, op. cit., 126.

[3] J. Fletcher, Situation Ethics, 142. See also W. Frankena, Ethics, 5.

This is one of the reasons for the avoidance of principles and generalizations. No principle can ever contain the details of particular situations, and so no principle can be "applied" meaningfully to particular situations. Decisions are arrived at not deductively but situationally. "Casuistry" is not the application of principles to cases, but the study of cases. General answers are meaningless: "Give me a case. Describe a real situation,"[1] asks Fletcher. This is the meaning of the "neocasuistry" of situationism.

Now, no one denies the importance of facts and circumstances in ethical decision-making. Facts are essential to moral arguments, since they constitute some of the relevant differences between cases which otherwise would be identical.[2]

In fact, contrary to what Fletcher imagines, generalization, although it takes situations to be similar (because of its use of the principle of justice or equality), awaits always for reasons *or facts* to offer justification for their dissimilarity. This attitude seems to do better justice to the continuities in human existence than the factual assumption--verbally denied by Fletcher--that situations are

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A. Miller, in "Unprincipled Living: The Ethics of Obligation," 29, remarks that "It was Paul Lehmann who first and most explicitly accepted the etymological affinity of *ethics* with *ethos*." See Aristotle, *Nic. Eth*. ii. 1 [1103a 15].

[1] J. Fletcher, *ibid*., 142-143. Simone de Beauvoir, *op. cit*., 148, makes the same demand: "We challenge every condemnation as well as every *a priori* justification. . . . They must be legitimized concretely."

[2] R. M. Hare, *op. cit*., 215.

unique and therefore dissimilar beyond recognition. Singer, for instance, writes that

> whether an act is right or wrong depends on the circumstances or context in which it is done, or on the conditions or circumstances under which it is done. . . . Accordingly, the assertion that an act cannot be right for one person unless it is right for everyone would be patently absurd, unless some such qualification as "in the same or similar circumstances" is implicitly understood. If an act can be right in one context and wrong in another, *a fortiori* it can be right for one person and wrong for another, provided they do it in different contexts. . . . The generalization principle could therefore be stated in the form: What is right for one person must be right for anyone in the same or similar circumstances.[1]

Generalization does not deny the importance of the situation. But it refuses to assume, against sound empirical evidence, that men and situations are *so unique that similarity at least cannot be predicated*. In this connection, as we stated above, Fletcher's is a gratuitous assertion.

Moreover, placing such heavy emphasis on the situation turns out to be self-defeating. If, as Fletcher maintains, the situation in its entirety, in its totality, is the determiner of rightness or wrongness, then one seems to be condemned to never being able to decide on the rightness or wrongness of an action, since the situation in its totality simply defies complete analysis.[2] As Pike puts it, "Careful, wise, and responsible weighing leaves all the persons involved still looking for a guideline, which is not in evidence in the situation itself."[3]

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[1] M. Singer, *op. cit.*, 13-14.

[2] H. McCabe, "The Total Context," 439-440.

[3] J. Pike, *op. cit.*, 86. See also R. Gleason, *op. cit.*, 534. Simone de Beauvoir, *op. cit.*, 149, observes that even "Ordinarily, situations are so complex that a long analysis is necessary before being able to pose the ethical moment of the choice."

To consider the situation in its totality as the determining consideration in the moral decision is, as Gustafson puts it, an oversimplification.[1] It is, of course, a nice and convenient way of showing interest in the social demension of the ethical decision; it may even be taken to point to the abstractions that were prevalent in many older ethical systems.[2] But without the help of generalizations and principles, it is doubtful whether any serious moral agent can appraise himself of all the relevant factors present in the totality of a situation.

As we have noted above, and as we have been reminded again and again throughout this analysis of Fletcher's situationism, it is not the situational concern itself that is questionable. What vitiates and sickens Fletcher's situationism even to the point of death is his "allergy to the law," his refusal to admit the validity of principles as practices and generalizations, reflecting the ethos of a society, and portraying the structures which human life webs as it unfolds itself from day to day and from generation to generation.[3]

The Situation and the Decision

Situationism, Fletcher has told us, is a method of contextual decision-making.[1] Once the individual finds himself in a situation that demands a moral judgment and decision, the "method" will lead him to ask the questions about his motives, about the "sophia" of society and of the church, about the situation, all in an effort to make the best possible decision. These questions are outlined by Fletcher in detail as follows:

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[1] J. Gustafson, "The Shouting of Slogans," 582. See also J. Milhaven and D. Casey, "Introduction to the Theological Background of the New Morality," 222; J. Gustafson, "Christian Ethics," 330.

[2] Cf. J. C. Bennett, "Issues for the Ecumenical Dialogue," 371, 375.

[3] Cf. J. Dewey and J. Tufts, Ethics, 313.

> The first, the primary one [question], is the end. What is wanted? What is the object sought; what result is aimed at? . . . A second factor, by what means . . . what method. . . . The third factor at stake, . . . motive. What is the drive or "wanting" dynamic behind the act? . . . Finally, every serious decision-maker needs to ask the fourth question, what are the foreseeable consequences? Given any course of action, in the context of the problem, what are the effects directly and indirectly brought about, the immediate consequences, and the remote (sequelae)? This last question means, we must note, that there are more results entailed than just the end wanted, and they all have to be weighed and weighted.[2]

Now, says Fletcher, legalists have always claimed that a moral action, in order to be right, must be right on account of all four factors, while failure to be right on account of just one would be sufficient to vitiate the entire action.[3] To this Fletcher objects that the only absolutely good end is the welfare of persons; the only absolutely good motive is love; and that therefore any means, any lesser ends, any lesser motives, and any consequences, may or may not be good depending on their relationship to love and personalism in a particular situation. "Each of the factors of a moral decision has to be weighed and judged within the situation, in the total context; none of them . . . can be predetermined to be good or evil."[1]

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[1] J. Fletcher, Situation Ethics, 11.

[2] Ibid., 127-128.

[3] Ibid., 128 and 142; J. Fletcher, Moral Responsibility, 180.

Once the decision is arrived at, the moral agent is obliged to carry it forward into execution, since, precisely, the urgency of a decision presupposes that love is demanding something in a particular situation. However, the decision and its obligation, while absolute in casu, remain relative to every other possible future situation. Obligatoriness is absolute only for the particular instance in which it arises.[2]

As can be seen from this study, situational decision-making is quite a difficult enterprise. One wonders whether or not, in actual fact, a moral decision arrived at according to this method, can ever meet the objective requirements of a situation. Fletcher is aware of this difficulty, and he tries to obviate it by insisting on the "risk" involved, the "Human margin of error," which, in the existentialist tradition, is at the root of Angst. Man's moral life, says Fletcher, "assumes the shape of adventure," ceasing to be a blueprint of the law. Moral man, "In all humility, knowing that he cannot escape the human margin of error, . . . will--to use Luther's phrase--'sin bravely'."[3]

But surely, one thing is to be aware of the fact that in a great number of cases our decision will be inadequate, and quite another is to seek for ways of diminishing this inadequacy. In other words, it seems to be quite true that in certain extremely complex situations, the greatest possible good that may come from our decision and action will entail some measure of evil; what we often call "the lesser evil" means, in fact, the greatest possible good in an extremely complex situation.[1] It may also be true that in such instances sorrow is the appropriate feeling, not guilt, since the tragedy of the situation arises out of factors beyond our control.[2]

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[1] J. Fletcher, Moral Responsibility, 180-181.

[2] J. Fletcher, "The New Look in Christian Ethics," 16.

[3] J. Fletcher, Moral Responsibility, 181, and Situation Ethics, 132, 152.

Still, quite different from this attitude is the more positive one of refusing to be satisfied by the imperfection of both decision and action, and consequently, of striving definitely to reduce the margins of error present in such complex situations. As Charles E. Curran expresses it,

> In the face of the sinful situation man must do the best he can. The shattering and destructive force of sin prevents him from doing the good that he would do under more ordinary circumstances. In corresponding to the reality of the present situation as best he can, man is doing something which is good. . . . However, the reality of the situation also demands that the mature Christian strive, especially in solidarity with other men of good will, to overcome the existing sin-full structures. As in any compromise, the person cannot be perfectly at ease in setting for something less and thereby contributing in some way to the power of sin and evil in the world. However, if the person's actions correspond as best as possible to the reality of the total situation, such actions are good. Here lies the responsibility and the risk involved in Christian decision making.[3]

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[1] P. Ramsey, Deeds and Rules in Christian Ethics, 187-188.

[2] J. Fletcher, Situation Ethics, 124.

[3] Charles E. Curran, Letter to the Editor, 581-582. (Emphasis added.)

This positive concern is one of the burdens of responsibility which Fletcher conveniently forgets, since its acceptance would logically involve the utilization of principles and practices in far more serious fashion. This need not be the outcome of a craving for security.[1] It need not be a denial of either personal freedom, spontaneity, responsibility, or the fluidity and peculiarity of every situation. It does not mean that there are "pre-fab" answers given in advance.[2] All it means is that one is ready to make use of all the adequate means in order to do the most loving thing in every situation. It means that, in fact, it is impossible to eliminate from ethics the serious consideration of ethical principles, since

> It is precisely the existence of general laws of morality which makes it possible to cope with the individual situation. Lacking them the individual is left without any governing norms for his unique case. The fact that each situation is unique does not invalidate the general law. . . . If abstract principles of morality can be put aside in difficult cases the complexity of the personal situation is not being adequately evaluated; it is simply being denied.[3]

The consideration of the "sophia" of both the church and society implies that there is "wisdom" in those structures.[4] Perhaps not intrinsically, but nonetheless often objectively and empirically verifiable. Being positively responsible in the context, far from entailing the rejection of principles and practices and the assumption of a suspect "sorrow" for the inadequacy of one's actions, means "the imaginative reappropriation of our moral traditions to enable us to cope productively with new and unprecedented situations."[1]

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[1] J. Fletcher, Situation Ethics, 134-140.

[2] J. Pike, op. cit., 131.

[3] R. Gleason, op. cit., 557. Cf. F. Simons, op. cit., 433.

[4] Cf. Thomas J. Bigham, "A Serious Morality and a Religious Morality," 210.

Christian and Non-Christian Situationism

As a method, situationism is neutral toward ideologies. Any philosophy can use it in the process of decision making.[2] This means that other assumptions and other presuppositions may be adopted, while the method of arriving at decisions would remain the same.[3]

Besides this, Fletcher considers his brand of situationism as quite intimately allied with the utilitarianism of Bentham and J. S. Mill.

> Justice /he writes/ is love coping with situations where distribution is called for. On this basis it becomes plain that as the love ethic searches seriously for a social policy it

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[1] Harvey G. Cox, "Maturity and Secularity," Religion in Life, XXXV, No. 2 (Spring, 1966), 215.

Again, it must be emphasized that this "reappropriation" need not preclude individual activity, creativity, the exercise of responsibility and freedom. As Ramsey remarks ("Two Concepts of Rules in Christian Ethics," 201), deliberation within these practices and structures "must take the form of thinking about the meaning of the practice, the meaning of an application of it in this instance, and about the qualifications and exceptions that should be understood to fall under the rules themselves. . . . This is how an individual contributes to the accumulation of moral wisdom in the practice."

This, incidentally, is a more balanced approach that Fletcher himself recognizes in his earlier writings. See Moral Responsibility, 98-110.

[2] Consequently, if properly used, the term situationism "is applicable to any situation-sensitive decision-making, whether its ideology is theological or non-theological--e.g., either Christian or Marxist" (J. Fletcher, Situation Ethics, 14).

[3] J. Fletcher, Situation Ethics, 31, 96.

> must form a coalition with utilitarianism. It takes over from Bentham and Mill the strategic principle of "the greatest good of the greatest number." Observe that this is a genuine coalition, even though it reshapes the "good" of the utilitarians, replacing their pleasure principle with *agapê*. In the coalition the hedonistic calculus becomes the agapeic calculus, the greatest amount of neighbor welfare for the largest number of neighbors possible. It uses the procedural principle of utilitarianism, distribution of benefits.[1]

Now, it is conceivable that non-Christian situational methods might adopt some form of love or altruism as their *summum bonum* or absolute principle. In that case, what would make *Christian* situationism different is Christ, "who takes form with us when we conform to his commandment."[2]

We have pointed out above some of the problems raised by such a statement, problems with which Fletcher does not concern himself at all. For, to begin with, such a statement is, if anything, a "faith" statement, theologically posited, and as such should have been made part of the assumptions or presuppositions of his situationism.

Secondly, Fletcher seems to be saying that for Christian situationism, *agapê*, or the love principle, is not "antecedently conceived; we understand love in terms of Jesus Christ."[3] But what does this mean? Does it mean that the love which God *is* must be understood in reference to Christ? But this can mean either that the quality or nature of God's love is manifested in the loving actions of Christ; or that God's love is manifested in his having given us a mediator, Christ; or, finally, both. If the first interpretation is taken, it is Christ's behavior that becomes the norm or supreme principle, not just love. If the second interpretation is taken, then either God's loving example becomes the norm--and what can this mean except that love is generous; or else Christ becomes the manifestation or epiphany of God's love, God's love incarnate--in which case it would be interesting to know how Flethcer reconciles externality and incarnation. If Flethcer has both alternative meanings in mind, then the problems are simply compounded.

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[1] *Ibid*., 95-96.

[2] *Ibid*., 157.

[3] J. Fletcher, *Situation Ethics*, 157.

This is not to deny that Christian situationism may, in fact, have as its distinctive characteristic a Christological faith. What must be pointed out is that this point, like so many others in Fletcher's situationism, requires careful elaboration.

Conclusion

In conclusion, what must we say about Fletcher's situationism? In the first place, with reference to his situationism as a method, it is pertinent to ask whether, if it is, indeed, a method, Fletcher is right in criticizing other uses of it whose assumptions are definitely different. We have seen in the preceding chapters that there are versions of code ethics, natural law ethics, and so on, which are situationally oriented, which are quite aware of the importance of the facts of the case, of the uniqueness of every circumstance and every moral agent, but whose assumptions differ from those of situationism.

In criticizing them, Fletcher denies them what he claims for himself, the right, namely, to establish certain assumptions positivistically or voluntaristically, which, then, become the norms used for an evaluation of the neighbor's claims in a particular situation. If situationism is a method, and if different assumptions are permissible, one fails to see why situationism's handling of the situation must be better adapted to the facts of the case than, say, natural law morality's handling of situations under the leadership of different assumptions.[1]

Secondly, even the assumptions Fletcher claims as the bases for his brand of situationism leave much to be desired. They are assumptions, no doubt, which means that their adoption cannot be apodictically proved. But their reasonableness can be demonstrated, their choice can be justified. Lack of conclusive proof need not entail arbitrariness. This justification is something Fletcher does not undertake in a serious fashion. There is much sermonizing, many assertions to the effect that relativism and personalism and pragmatism are "in" today. But this can hardly be called a serious attempt to justify one's assumptions.[2]

There is, moreover, that "faith proposition" about Christ, which is supposed to be the distinctive element of Christian situation ethics. Is this really an assumption? If it is that distinctive, shouldn't it be the fundamental assumption of situationism? And if it is so intertwined with the love principle, shouldn't this relationship be explained in detail? The inadequacy of Fletcher's handling of this point becomes overwhelming when one turns to the situational elaborations of Brunner, Lehmann, Bonhoeffer, Ramsey, and Niebuhr. Despite Robinson's assertion to the contrary, Fletcher's statement is quite inconsistent.

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[1] P. Ramsey, Deeds and Rules in Christian Ethics, 208-209.

[2] Ibid., 209 (footnote 39).

Love, or agapê, is the only assumption that receives a detailed treatment. But even here, there are more questions raised than questions answered. The main fault here, as we have noted before, is the failure to understand the nature of principles and practices and their role in human life--and consequently in ethics. Fletcher's allergy to law is a more serious sickness than one would otherwise imagine.

In summary, one must say that Fletcher's situationism is insufficiently developed. The failures appear throughout Fletcher's entire exposition. This does not necessarily mean that the premises, conclusions, or other tents of his "non-system" are wrong. But it does mean that, in McCormick's words, Fletcher has not shown satisfactorily on what grounds he could be right.[1]

The almost careless development of a number of points becomes immediately apparent to anyone reading Fletcher's earlier works, such as Morals and Medicine, or his biography of William Temple. In Morals and Medicine there is an effort to be balanced, unhurried, conscientious. In his later works, and very especially in Situation Ethics, prudence and seriousness are thrown to the winds, and instead we have

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[1] Richard McCormick, "Notes on Moral Theology," (1965), 615; J. Milhaven and D. Casey, "Introduction to the Theological Background of the New Morality," 237, 239.

> The problem of rhetoric. It is here that Fletcher is at his best as a situationist. . . . [Rhetoric] constitutes a kind of methodology by incantation which makes it terribly hard to know what Fletcher is actually saying.[1]

As Ramsey puts it, "such emotion-laden and question begging language . . . is no way to engage with disciplined reflection in the doing of ethics of any sort."[2] In this regard, as in so many other points, Fletcher's situationism falls certainly out of the tradition of the great situational ethicists.

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[1] R. McCormick, op. cit., 613-614.

[2] P. Ramsey, Deeds and Rules in Christian Ethics, 151.

CHAPTER VI

ETHICS AND EDUCATION

Introduction

Having exposed the general tenets of situationism in the preceding chapters, we come now to the consideration of situationism's possible relevance to education. But before attacking this specific question, we have to state, however briefly and in general terms, what we consider to be the relevance of ethics to education. For it is only within this general framework that situationism's relevance can be assessed.

That ethical theory does have relevance in education, that there is some sort of connection between ethics and education, is an assumption we make in this presentation. It is an assumption because the *fact* of the relationship and the understanding or *explanation* of it do not seem amenable to strict empirical or rational proof. There are, however, certain indications that would lead one to "assume" that such relationship must, in fact, exist. To this extent, then, it becomes pertinent to study certain aspects of the educational enterprise and to interpret them in the light of the assumption that the relation does, in fact, exist.

The explanation or interpretation of this assumed relationship, however, is still a matter of controversy. Elucidations vary from the extreme formalism of some philosophers to the psychological connections claimed by others, and no definitive or generally accepted view can be said to prevail. Our explanation, therefore, while taking cognizance of some of these attempts, will be offered only as a tentative hypothesis, although we consider it to provide a sufficient understanding of the relation.

Our program, therefore, for the present chapter, will include a justification of the assumption that there is a relevant connection between ethics and education. The factual material here will be drawn from the very practices of education in which valuations are a constant datum, as well as from the social presuppositions of the process of education. Education, we shall find, involves valuations for which some kind of ethical or value theory is posited or offered as justification. Moreover, as a social institution, education will be seen to play an important role in the formation of the social and moral character a society desires for its young members, a process which, again, involves ethical considerations.

Finally, the interpretation of the role of ethics in education will be taken up with reference to teachers, administrators and students. No effort will be made here to study or determine the role of ethics in the justification of curricular decisions. The connection between ethics and education will be shown to be of a psychological and habitual rather than of a logical kind, although some form of inferential process may, at times, depending on individuals and the issues at hand, be used in the justification of policies or individual decisions.

Valuations and Education

That the educational process involves a great number of valuations is a fact difficult to ignore, much less deny. Teachers evaluate students and are, in turn, officially or unofficially, evaluated by them. Administrators evaluate teachers as well as situations of all sorts, activities, problems, suggestions. Some of these evaluations may not be of a moral character: the cost of materials, teacher requisitions, salaries, and so on, while requiring some sort of evaluation, do not necessarily imply that the evaluation must be moral.[1] But at least some, if not most, of the evaluations that take place in education are of an ethical nature, and it is with these that we are concerned here.

The involvement of ethical issues with education is not a fortuitous matter. After all, as Peters has shown,

> "Education" has notions such as "improvement," "betterment," and "the passing on of what is worth-while" built into it. That education must involve something of ethical value is, therefore, a matter of logical necessity. There is, however, no logical necessity about the particular values ascribed in particular societies to the variable of "being worth-while." The justification of such values, too, must go beyond the realm of conceptual analysis into that of ethical theory.[2]

Education, in other words, cannot be neutral.[3] It is "inescapably moral, normative, and value-laden,"[1] so that the very use of the term "education" implies the antithesis between what is and what ought to be."[2] And this is so because the very notions built into education--notions such as those stated in terms of the aims or goals of education, the morality of procedures, the obligatoriness of rules and practices--are established by reference to, or in conjunction with, ethical theories.

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[1] W. Frankena, Ethics, 8-10.

[2] R. S. Peters, Ethics and Education, 21.

[3] Cf. R. Bruce Raup, George E. Axtelle, Kenneth D. Benne, and B. Othanel Smith, The Improvement of Practical Intelligence (New York: Bureau of Publications, Teachers College, 1950), 61-64.

The notion that education, especially public school education, is neutral, appears repeatedly in the recent Supreme Court decisions, v.g., in the Abington School District v. Schempp, 374 U.S. 203 (1963) case. While de jure neutrality seems to be necessary, one wonders if it has not led to an idea of pseudo-neutrality with no meaning in the context of education, where de facto neutrality does not appear possible or even desirable.

Educational issues, of course, are largely connected with matters of fact, with practical matters. But they are not concerned solely with matters of fact. The moment an element of obligation enters into the picture we are concerned with something more, something that belongs to the distinctive realm of ethical discourse. To quote Peters again,

> To consider whether a man ought to be killed is different from wondering whether he is dead; to deliberate whether it is right to smoke is different from speculating about the causes of smoking. This realm of discourse has its own distinctive concepts such as "ought," "right," "desirable," "worth-while," and "good" as well as its own distinctive procedures for answering questions which are raised. Practical questions cannot be answered by tests in the laboratory any more than scientific questions can be answered by moralizing.[3]

Thus, at the level of ultimate assumptions and justifications of educational goals, as well as at the level of procedural measures and policies, ethics are involved. The moment such questions are posed, justification must be sought where it can be found, in the realm of ethical theory. To neglect the recourse to this level is to commit oneself to making decisions on sheer hunch or for expediency, at the expense of reflection and wisdom.[1]

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[1] Hobart W. Burns, "The Logic of the 'Educational Implication'," Educational Theory, XII, No. 1 (January, 1962), 53-63.

[2] E. Brunner, The Divine Imperative, 505.

[3] R. S. Peters, Ethics and Education, xii.

Values and Social Character

The assumption that ethics plays a part in the educational process takes on a new dimension when we consider education as an organic factor in the development of social character. For education, in a broad sense, as it applies to the conglomerate of experiences that go into the making of an individual human person, can be viewed precisely as a process of socialization or initiation into the ways of a particular society.[2] In Peters' words,

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[1] The suggestion here is that ethics (and, generally, philosophy) can and should provide justification for policy decisions. To suggest that ethics and philosophy should be used only in a negative or fault-finding fashion to detect shortcomings ignores the fact that evil is not an entity. Evil, in whatever form, is but a negation of a positive perfection, in whatever form. To detect evil one must first establish the positive entity or quality _of_ which lack or imperfection is predicated. Put differently, unless a criterion of adequacy is established first, there is no way of establishing either the presence or the degree of inadequacy.

We have raised this question above with regard to Fletcher's failure to provide criteria for deciding when an action is to count as loving or unloving. For example of this negative approach to philosophy, see Henry J. Perkinson, "On the Usefulness of Philosophers of Education," _Studies in Philosophy and Education_, V, No. 4 (Fall, 1967), 428-432.

[2] "Education," writes H. I. Marrou, _A History of Education in Antiquity_, trans. George Lamb (New York: Sheed & Ward, 1956), xiii, "is a collective technique which a society employs to instruct its youth in the values and accomplishments of the civilization within which it exists."

> "Education" involves essentially processes which intentionally transmit what is valuable in an intelligible and voluntary manner and which create in the learner the desire to achieve it, this being seen to have its place along with other things in life.[1]

If we narrow down this notion, however, when we talk about education we refer also to the function played by a specific societal agency, the school. The school is, of course, concerned with educating, i.e., initiating the young into the society to which by birth they belong. But the school is not responsible for the totality of the process in its broad connotation. Its function is restricted, for instance, to the transmission of a certain number of facts and skills a society considers necessary for adequate societal living; to the development of intellectual abilities like reflective thinking, so necessary for a society to meet new challenges intelligently and creatively; in short, to the development of "disciplined but flexible ways of thinking, feeling, and acting that have as their objective 'raising the standards of men's living together'."[2]

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[1] Richard S. Peters, Education as Initiation (London: Evans Brothers, 1964), 34. See also Philip H. Phenix, Education and the Worship of God (Philadelphia: The Westminster Press, 1966), 14; John Dewey, Democracy and Education, 2. For an ancient view see Isocrates Antidosis 174, trans. George Norlin and Laure Van Hook (3 vols.; Cambridge, Mass.: The Loeb Classical Library, Harvard University Press, 1962), II, 285; Plato Laws ii. 659.

[2] V. T. Thayer and Martin Levit, The Role of the School in American Society (New York: Dodd, Mead & Co., 1966), 476.

In his "Ethical Principles Underlying Education" (in Reginald D. Archambault, ed., John Dewey on Education /New York: The Modern Library, Random House, 1964/, 112), Dewey writes: "The school is fundamentally an institution erected by society to do a certain specific function in maintaining the life and advancing the welfare of society."

In this context it can be easily seen that ethics is intimately involved in the process of education. There is, in the first place, the concern with the transmission of the values treasured and considered worth-while within the particular society. These are what Maritain calls "the merely practical tenets upon which the people have agreed to live together, despite the diversity or the opposition between their spiritual traditions and schools of thought."[1]

Secondly, there is the concern with the development of reflective thinking as a tool for the examination and justification of one's own value systems as well as for the purpose of making the process of decision-making as deliberate and careful as possible.[2] Decisions, of course, take place within the context of what society considers worth-while: the "know-how" of ethical reflection is not developed in a vacuum but in connection with the "that," the content of society's traditions. Here one should note therefore that part of intelligent decision-making consists in the knowledge "about" the different ethical traditions and views that have been proposed before our day.[1]

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[1] J. Maritain, Man and the State, 120-121; V. T. Thayer and M. Levit, op. cit., 472-473.

[2] "Morality," writes Frankena, Ethics, 7, "fosters or even calls for the use of reason and for a kind of autonomy on the part of the individual, asking him, when mature and normal, to make his own decisions . . . even stimulating him to think out the principles or goals in the light of which he is to make his decisions. Morality is a social institution of life, but it is one which promotes rational self-guidance or self-determination in its members."

The school's function in this connection is not to tell the child what to do, but, in Dewey's words, "how to decide what to do" (John Dewey, "Teaching Ethics in the High School," Educational Theory, XVII, No. 3 [July, 1967], 223).

In the third place, there is the concern with the development of character and good habits so as to form, in Dewey's words,

> an original body of impulsive tendencies into a voluntary self in which desires and affections center in the values which are common; in which interest focuses in objects that contribute to the enrichment of the lives of all.[2]

Here we are confronted with one of the strange paradoxes of modern educational theory as well as practice. The emphasis on the development of reflection has obscured the place of habit formation to the point that an irreconcilable enmity has been thought to exist between the two. Yet some of Dewey's most compelling pages had as their object the development of the notion of habit and its importance in the whole of life as well as in education. The interplay between habit and reflection is as central to his views as is the interdependence between experience and thinking.[3] In fact, the latter is like the matrix wherein the former is developed. He writes:

> Reason pure of all influence from prior habit is a fiction. But pure sensations out of which ideas can be framed apart from habit are equally fictitious. The sensations and ideas which are the "stuff" of thought and purpose are alike affected by habits manifested in the acts which give rise to sensations and meanings.[4]

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[1] Cf. Wesner Fallaw, "Teaching Ethics and Moral Values in the Schools," The Christian Century, LXXXIV, No. 37 (September 13, 1967), 1153-1157.

[2] J. Dewey and J. Tufts, Ethics, 336.

[3] Cf. J. Dewey, Democracy and Education, Ch. 11.

[4] J. Dewey, Human Nature and Conduct, 31.

Consequently, there cannot be any opposition between habit and reason, just as there cannot be any conflict between experience and thinking. In fact, as Peters so aptly puts it, "The palace of reason has to be entered by the courtyard of habit."[1]

This being so, one can easily understand the importance of the formation of good habits in early childhood, and the role of the school in this connection. Plato had already pointed to this in unambiguous terms,[2] and so had Aristotle,[3] and Dewey's emphasis is simply a re-statement of their views. He writes:

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[1] R. S. Peters, *Ethics and Education*, 214. See also R. S. Peters, "Reason and Habit: The Paradox of Moral Education," in Israel Scheffler, (ed.), *Philosophy and Education* (2d ed.; Boston: Allyn and Bacon, Inc., 1966), 245-262; Philip G. Smith, "Valuations and the Uses of Language," *Educational Theory*, XVI, No. 4 (October, 1966), 293-308; Richard M. Hare, *The Language of Morals* (New York: Galaxy Books, Oxford University Press, 1964), 76.

[2] *Republic* III. 401-402: "Hence, Glaucon, I continued, the decisive importance of education in poetry and music: rhythm and harmony sink deep into the recesses of the soul and take the strongest hold there, bringing that grace of body and mind which is only to be found in one who has been brought up in the right way. Moreover, a proper training in this kind makes a man quick to perceive any defect or ugliness in art or in nature. Such deformity will rightly disgust him. Approving all that is lovely, he will welcome it home with joy into his soul and, nourished thereby, grow into a man of noble spirit. All that is ugly and disgraceful he will rightly condemn and abhor [even] while he is still too young to understand the reason; and when reason comes, he will greet her as a friend with whom his education has made him long familiar" (Cornford translation). See also *Laws* I. 643; II. 653.

[3] *Nicomachean Ethics* II. 1 [1103a 15-1103b 25]: "Moral virtue comes about as a result of habit, whence also its name [êthikê] is one that is formed by a slight variation from the word *ethos* [habit]. From this it is also plain that none of the moral virtues arises in us by nature. . . . The virtues we get by first exercising them, as also happens in the case of the arts as well. For the things we have to learn before we can do them, we learn by doing them, e.g., men become builders by building and lyre-players by playing the lyre; so too we become just by doing just acts, temperate by doing temperate acts, brave by doing brave acts.

> Only the man who can maintain a correct posture has the stuff out of which to form an idea of standing erect which can be the starting point of a right act. Only the man whose habits are already good can know what the good is. Immediate, seemingly instinctive, feeling of the direction and end of various lines of behavior is in reality the feeling of habits working below direct consciousness.[1]

The possession of good habits is paramount because, as Dewey goes on to say, reason is not the only element in judgments of action, since feelings and subjectivity, also play a part: it is not reason alone that judges but the whole man.

In moral reflection and moral judgment, therefore, good habits offer a kind of guarantee of trustworthiness. For, Dewey goes on, "as Aristotle remarked, the untutored moral perceptions of a good man are usually trustworthy, those of a bad character, not."[2] And again:

"This is confirmed by what happens in states; for legislators make citizens good by forming habits in them. . . .

"Again, it is from the same causes and by the same means that every virtue is both produced and destroyed, and similarly every art; for it is from playing the lyre that both good and bad lyre-players are produced. . . . For if this were not so, there would have been no need of a teacher, but all men would have been born good or bad at their craft. This, then, is the case with the virtues also; by doing the acts that we do in our transactions with other men we become just or unjust. . . . Thus, in one word, states of character arise out of like activities. This is why the activities we exhibit must be of a certain kind; it is because the states of character correspond to the differences between these. It makes no small difference, then, whether we form habits of one kind or another from our very youth; it makes a very great difference, or rather, all the difference." (W. D. Ross translation). See also R. M. Hare, The Language of Morals, 67.

[1] J. Dewey, Human Nature and Conduct, 32. (Emphasis added.)

[2] *Ibid.*, 33.

> The warrant for correctness of judgment and for power of judgment to operate as an influence in conduct lies in the intrinsic make-up of character; it would be safer to trust a man of kind and honest disposition without much ability in calculation than it would a man having great power of foresight of the future who was malicious and insincere.[1]

The development of this character or moral habit, then, becomes the task of education. The methods here may vary, but their objective and content remain the same, namely, the creation of an interest in furthering the general good so that the individual will find his own happiness realized in doing what objectively improves the welfare of all.[2] In Raup's words, "Educational agencies must cooperatively build into character that profound sense of community in which the self becomes identified as a functional part of an organic process."[3]

This implies, of course, the development and fostering of sensitivities that pick up the needs of others and identify with them, that sense the qualities of life treasured within a particular society that are worth preserving, qualities which, in Whitehead's words, lie "beyond the mere fact of life,"[1] and which only "the good" can apprehend. This attitude or habitual disposition of seeking for what is good may be cultivated "under any conditions of race, class, and state of civilization."[2] But it must be cultivated. It does not just "happen," as Aristotle so wisely remarked. People do not become moral by just "knowing" how to deal with issues: the wish to be moral, the concern for the good, is a habit that must be developed,[3] and this is achieved, partly at least, through education. As Peters puts it,

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[1] J. Dewey and J. Tufts, Ethics, 265.

[2] J. Dewey and J. Tufts, Ethics, 266. In Human Nature and Conduct, 21, Dewey writes: "Loyalty to whatever in the established environment makes a life of excellence possible is the beginning of all progress. The best we can accomplish for posterity is to transmit unimpaired and with some increment of meaning the environment that makes it possible to maintain the habits of decent and refined life. Our individual habits are links in forming the endless chain of humanity."

We have here again the double bond of loyalty, to the "cause" and to one's fellows in loyalty, that constitutes the second and third levels of Niebuhr's triadic relationship. See H. R. Niebuhr, The Responsible Self, 83-84.

[3] R. B. Raup et al., op. cit., 49; also 258 ff.

> The great teacher is he who can convey this sense of quality to another, so that it haunts his every endeavour and makes him sweat and yearn to fix what he thinks and feels in a fitting form. For life has no one purpose; man imprints his purposes upon it. It presents few tidy problems; mainly predicaments that have to be endured or enjoyed. It is education that provides that touch of eternity under the aspect of which endurance can pass into dignified, wry acceptance, and animal enjoyment into a quality of living.[4]

The Character of Ethical Theory

At this point one can very well ask why is it that ethical theory rather than, say, scientific or political theory, is thought to be the context in which the justification of educational goals as well as procedures and practices, is to be found.

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[1] Alfred N. Whitehead, Religion in the Making (New York: Meridian Books, 1960), 77.

[2] J. Dewey and J. Tufts, Ethics, 311.

[3] R. M. Hare, Freedom and Reason, 224: "To get people to think morally it is not sufficient to tell them how to do it; it is necessary also to induce in them the wish to do it."

[4] R. S. Peters, Education as Initiation, 48. Paraphrasing Plato' Meno 99-100 one may say, by way of commentary on Peters' statement, that virtue is neither natural nor acquired in the sense propounded by the sophists. Rather, one must take it to be an instinct given by God to the virtuous--unless one has the good fortune to acquire it from a teacher like Socrates, i.e., a teacher who can create another like himself. See Werner Jaeger, Paideia, trans. Gilbert Highet (3 vols.; New York: Oxford University Press, 1939-1945), II, 171-173.

From the point of view of education, the answer points to the peculiar kind of evaluations that take place in education. For although many of these are of a non-moral nature, there are many which, as we have pointed out, involve the sphere of the good, the desirable, right and wrong, and obligatoriness.

From the point of view of theory, the questions raised by education fall precisely within the ambit of what is called ethical theory. Science is not concerned with the good or right, nor is it concerned with obligations beyond those stated in so-called physical laws. So the theoretical framework for the answering of such questions as are raised in education is provided by ethical theory, i.e., an organized theoretical structure that provides a set of concepts and principles by which questions raised in connection with the good, the right, "ought," and so on, can be reasonably answered, the answers justified, and guidance provided in general or for moot points or clashes of interests or opinions.[1] If we follow Aristotle's stipulation that one must ask for that kind or degree of justification only which is compatible with the nature of the matter being considered,[2] then we must turn to this realm of ethics for justification of such answers as can be given to the problems raised in education.

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[1] A. Edel, Method in Ethical Theory, 50. Put differently, if by morality and moral behavior one understands the rules of conduct and mores of a particular society, then ethical theory is the system that seeks to justify morality.

[2] Aristotle Nicomachean Ethics I. 3 [1094b 23-29].

Ethical theory, therefore, must fulfill with regard to the questions addressed to it the same criteria that other theories are expected to fulfill with regard to their own peculiar problems. It must, first of all, explain, make clear the reasons why, v.g., some actions are right, some wrong, some desirable, some objectionable. Second, it must do so with some degree of consistency, both internal and external. In other words, it must not be at variance with itself or with other factual or conceptual factors. Thirdly, it must offer some enlightenment or guidance, or leave open the possibility of further exploration and discovery.[1] Perhaps other requirements can be postulated, but these, at least, seem to be necessary and sufficient.[2]

These general requirements imply, in the first place, that an ethical theory must take sufficient cognizance of the facts of a situation or problem. Facts are important because, in Hare's words,

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[1] Cf. M. Singer, op. cit., 8.

[2] A. Edel, in Ethical Judgment, 332-33, writes: "An ethical theory can be evaluated for its contribution to the growth of knowledge or its adherence to the best available knowledge in its picture of man and society. It can be evaluated for its conceptual refinement and the degree to which it fashions conceptual tools for dealing powerfully with problems in its valuational base. It can be evaluated by the degree to which it expresses and improves the formulation of valuations--universal and persistent as well as specialized and local. And so it can also be evaluated for its relevance to the central efforts of the era--whether it avoids the problems, whether it throws obstacles in the way to their solution, whether it distracts attention, whether it steers men to facing or avoiding the issues, whether it helps point to successful resolution, and so forth."

"they make a difference between cases which would otherwise be similar."[1] Principles and rules can never be said to hold identically in all cases, since cases differ factually and person differ also factually as to their make-up, judgmental ability, and so forth. This is what Singer has in mind when he writes:

> In saying that an ethical theory should be relevant to the solution of moral problems, I do not mean that it must provide automatic solutions to them. This is out of the question, in any case, for in morality the factor of judgment can never be totally eliminated, and the problems of morality often depend upon determinations of fact for which no theory can provide a guarantee. What I mean is that an ethical theory should help to clarify the situations in which moral problems arise, and throw some light on the factors that are relevant to and the conditions to be met by a satisfactory solution. It should, in other words, help to bring order out of confusion. The problems of ethics, even those at the highest levels of abstraction, arise, and have in fact arisen, out of the attempt to solve practical and concrete moral problems. Hence one of the tests of an ethical theory--and for practical purposes the most important test--is its relevance to these very problems.[2]

This crucial test assumes still greater importance if we consider the fact that it is extremely difficult to distinguish genuine facts from "facts" which are, in truth, concealed valuations.[3] Not that the distinction is to be perpetuated in the moral judgment; but the objectivity of the moral decision hinges largely on the ability and willingness to use the appropriate tools to take full cognizance of the "real facts" of the case.

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[1] R. M. Hare, Freedom and Reason, 215.

[2] M. Singer, op. cit., 7-8.

[3] R. M. Hare, Freedom and Reason, 185. In Democracy and Education, 147-148, Dewey dwells on what he calls "one of the chief paradoxes of thought," the fact, namely, that one must have concern for the issue, must feel a certain sympathy and identification, if only dramatic, with the outcome of the course of events, while, at the same time, maintaining a certain detachment necessary for an objective evaluation of the matter at hand. Thought, born in partiality, in order to achieve its task must assume a certain detached impartiality.

Secondly, one must look for the elements peculiar to ethical theory. After all, science is also concerned with factual data. So what distinguishes an ethical theory's approach to facts and decisions is the element of obligation, the "ought" that is pronounced with regard to right action, and that is consistently upheld for anyone who may find himself in similar circumstances. This obligatory character, however, must not be taken in isolation from the assumptions adopted, but, rather, as an expression of them.

Viewed from the standpoint of the facts, as we remarked above, obligations are contingent upon varying factual circumstances.[1] Viewed from the standpoint of the obligation, a moral judgment imposes, under the penalty of logical inconsistency, that one make essentially the same judgment when confronted with a situation factually similar, in relevant respects, to the present one.[2] If this element of generalization were not found in every moral judgment--nay, if the logical cogency of consistency or universalization were not experienced in every moral judgment, it would be difficult to understand the anxieties individual moral agents go through when confronted with a complex situation demanding a moral decision. As Hare sees it,

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[1] Cf. R. S. Peters, Ethics and Education, 97-98. Hare, op. cit., 38, holds the same view: "We have to consider the particular case and make up our minds what are its morally relevant features, and what, taking these features into account, ought to be done in such a case. Nevertheless, when we do make up our minds, it is about a matter of principle which has a bearing outside the particular case."

[2] Cf. A. Edel, Ethical Judgment, 55-58. P. H. Nowell-Smith, op. cit., 309, writes: "A principle is not usually called a moral one unless the person who adopts it is prepared to apply it universally. If a man says that he does something as a matter of principle, he cannot (logically) make exceptions unless another moral principle is involved. However, narrow in scope it may be, a moral principle must be applied to all cases that are alike in all relevant respects."

> The real difficulty of making a moral decision is, as I have said before, that of finding some action to which one is prepared to commit oneself, and which at the same time one is prepared to accept as exemplifying a principle of action binding on anyone in like circumstances. This is what makes the moral life, for one who takes it seriously, so appallingly difficult.[1]

Thirdly, both explanation and enlightenment require that ethical justifications of moral judgments be made within the context of standards or norms that provide what Edel calls a "valuational base."[2] Here one must include the different basic principles of morality, such as the principle of justice or equality, the principle of consequences, the principle of universalizability, and so on. Moreover, one must find here the basic and ultimate assumptions or postulates of the particular theory in question, such as the principle of utilitarianism, or of duty, or happiness, or brotherhood, as well as the most basic and generous aspirations found within a community or a larger society.[1]

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[1] R. M. Hare, Freedom and Reason, 73; also 89-90.

[2] In Ethical Judgment, 297, Edel describes it as follows: "The concept of the valuational base is intended to point to the crystallization of the determinate elements . . . and to suggest that these play a fundamental role in evaluative processes. It is a base because it acts as a standpoint for evaluation, providing moorings to which a morality may be fastened, and sailing-charts for its general course. It is valuational because it embodies major decisions of policy supported by an interlocking structure of human knowledge and human striving. It is not simply identical with basic value premises widely held or pervasive attitudes, since even a strong and widespread value inclination may be distorting human needs and be shot through with false assumptions about the world. The valuational base may be seen rather to contain value conclusions or guiding principles embodying the fullest available knowledge about men's aspirations and conditions."

Finally, there must be found in an ethical theory the possibility to exercise one's power of imagination not merely for the formulation of goals and the compelling statement of aspirations and ideals, but also for the foreseeing of consequences, for the rehearsing of actions in one's mind, for the understanding of continuities and the connections between means and ends, without which one might miss the most important implications of universalizability.[2]

The Relation between Theory, Practice, and Decision

Having detailed the characteristics of ethical theory, and having seen how education, because of the very problems that arise within it has recourse to ethical theory for the justification of the answers it offers, we must now examine carefully the relation that may be said to exist between ethical theory and educational practice and decision-making.

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[1] Here one must also include "the substantial inclinations and interests that people actually have" (R. M. Hare, Freedom and Reason, 118). But one must note that the generalization of interests offers peculiar difficulties. If selfishness and fanaticism are to be avoided, the only morally permissible way of universalizing one's interests is "that which tailors the universal form of them to fit the particular volitions which other people have, and which, therefore, are treated as if they were one's own." (Ibid., 199).

[2] R. M. Hare, ibid., 92-95.

Now, what is understood by "practice" is by no means easy to decide. Even when definitions or descriptions are given, it is not at all clear what is implied by them. Still something must be said about "practice" even if what is said must, of necessity, remain tentative and subject to further revision and refinement.

First of all, by "practice" we mean here the activities or doings of those engaged in education as teachers, students, or administrators. We mean, moreover, not just any activity, but, rather, that activity only which falls within a somewhat stable structure of rules and principles.[1]

Strictly speaking we should distinguish between "practice" and "policy." By "policy" we mean "the established purposes and settled courses of action to which the group is committed,"[2] and although no difference may seem to exist between "policy," as here defined, and

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[1] See John Rawls, "Two Concepts of Rules," 3: "I use the word 'practice' throughout as a sort of technical term meaning any form of activity specified by a system of rules which defines offices, roles, moves, penalties, defenses, and so on, and which gives activity its structure. As examples one may think of games and rituals, trials and parliaments."

When we say "that activity only which falls" within a practice, we mean activities which objectively at least are describable by reference to a practice. In other words, we do not want to infer that there are activities which intrinsically, or of their very nature, are connected with a particular practice. But we do mean to infer that there are at least some activities which, objectively at least, are describable only by reference to a specific practice, and that this must logically be so as long as words retain their commonly accepted meaning and as long as the activities in question continue to be objectively describable by those very words.

This means, of course, that there are at least some activities whose description places them, objectively at least, within one and only one specific practice. In other words, there are at least some activities whose characterization cannot be changed at will.

[2] Wayne A. R. Leys, Ethics for Policy Decisions (Englewood Cliffs, N. J.: Prentice-Hall, Inc., 1952), 198.

"practice," there is a difference with regard to the degree of structuralization or, perhaps, the degree of "hardness" that rules and principles possess in each case. From this point of view policies may be said to be more changeable than practices; in fact, while one could speak of rules and principles with regard to practices, one would not consider them as synonymous with maxims, or "rules of thumb," or so-called practical hints. One would not use these in reference to practices, though they could be spoken of in connection with policies.

If this difference is kept in mind, then both "policy" and "practice" may be used to designate the kinds of consistent modes of behavior or activities which go on in education. Both refer to some structure, and both connote universalizability, since both judgments of practice and policy decisions are concerned not only with one particular action or situation but also with future decisions in relevantly similar circumstances.[1]

Thus, both policies and practices encompass under their structures and continuities the performance of single individual, particular actions. The point must be made here that this overarching of practices over particular actions defined by the practice is logically demanded by the very meaning of "practice" as well as by the principle of universalizability. This point might not be worth dwelling upon here except for the fact that it adds an important dimension to the issue of ethical justification. For, obviously, once a practice has been justified by reference to the appropriate principles, the actions falling under it or performed as prescribed by the practice, or in accordance with it, need not be justified singly by reference to the pertinent general principles: their justification, now, is accomplished by reference to the already justified practice.[1]

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[1] W. A. R. Leys, op. cit., 5, 198.

It will be convenient, therefore, for the purposes of our discussion here, to treat policies and practices together, and to distinguish them, also together, from the decision to execute an action that would either fall under a practice or would be intended to institute one. This distinction is necessary because the term "practice" is often used also to designate the actual execution of an action consequent upon a decision, so that it is quite pertinent to ask about the bearing of theory on the actual decision-making process as well.

Our question, then, is twofold: (1) Granted that in education there are practices, and that many of them are of a moral nature, so that they require justification by reference to ethical theory; and granted that justification establishes some sort of relation between the theory and the practice justified by it, what is the nature of this relationship? (2) Granted that decisions are made with regard to the positing of actions which either fall under or originate a practice; and granted that in either case the decision must be justified either by recourse to the practice or to general theoretical principles, and that justification establishes a certain relationship between decision and whatever justifies it, what is the nature of this relationship?

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[1] This is, precisely, the point made by Rawls, op. cit., as well as by Ramsey, "Two Concepts of General Rules in Christian Ethics," 192-207; R. M. Hare, op. cit., 130-136; and W. Frankena in "Love and Principle in Christian Ethics," 207 ff., and in Ethics, 30-35. The same two forms of justification are discussed by Singer, op. cit., 203 ff.

This does not mean, of course, that in absolutely no circumstance can one have recourse to the principles directly. Presumably, such is the case in unprecedented situations, or in cases where a practice prescribes only the most workable procedures possible in a particular context--which does not mean that those procedures are the best absolutely.

Is the relationship, in either or both cases, one of formal implication so that practices and/or decisions can be logically deduced from ethical theory? Or is the relationship merely factual, so that if in a particular instance a decision and/or a practice may be said to be related to whatever principles in whatever fashion, the relationship, being simply factual, might as well not be there? Briefly, is the relation necessary, fortuitous, or of a different kind?[1]

In order to make the different answers clear, we must first detail the various elements that seem to be involved here. First of all, we have the general premises of the ethical theory. Second, some link must be established that will allow the passage from premise to conclusion. This link may be of a logical or a psychological nature, a fact or a theory well established, and so on. Third, we have the conclusion. This conclusion, though it might, on occasion, be particular, is always universalizable. Fourthly, we have the factor of decision that mediates the passage to the fifth factor, the particular action.

Now, it is obvious that there is no good reason why a practice may not be justified in a strictly formal logical manner. That is, there appears to be no reason why, through strict deduction, a practice may not be justified. But, at the same time, no such strict formal relationship appears possible between the principles of the ethical theory (or, for that matter, the conclusion or practice derived from or justified by it) and decision. In other words, a decision is never logically necessitated by any principles, even though the cogency of the principles and of the conclusions derived from them may be admitted down to the third level, the level of practice, obligatoriness, and generalizability. On this there seems to be a general consensus of opinion.[1]

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[1] H. W. Burns, op. cit., 53.

It seems difficult to maintain, on the other hand, that there is a chasm, unbridgeable in any way, between the logically justified conclusions or practices and the decision to act within the practice or to originate one. In other words, it seems hard to believe that as far as a decision is concerned, there might just as well not be any justification of the practice, or that the logical cogency of the practice is totally irrelevant and powerless in decision-making. Briefly, it is hard to maintain that as far as the decision is concerned, the justified practice or the principles of ethical theory, might as well not be there at all.[2]

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[1] Cf. H. W. Burns, op. cit.; Joe R. Burnett, "Observations on the Logical Implications of Philosophic Theory for Educational Theory and Practice," Educational Theory, XI, No. 2 (April, 1961), 65-70; Robert S. Guttchen, "The Quest for Necessity," Educational Theory, XVI, No. 2 (April, 1966), 128-134; Sidney Zink, op. cit., 190.

[2] H. W. Burns, op. cit., 57; R. S. Guttchen, op. cit., 130.

But if the relationship between the theoretically grounded practice and the decision is neither formal nor fortuitous, is there any connection at all? And if so, of what nature? To the first question our answer is Yes.

Burnett's substitution of "situational" for "formal," and Burns' emphasis on the psychological quality of the relationship provide us with a directive towards answering the second question. The first thing to be said about the relationship between theory and decision is that it is psychological in the sense that the relationship is experienced subjectively. This subjective[1] character is primary in a passage from conviction to decision. This means, among other things, that no matter how "logical" the decision would appear to be in the light of the acceptance, by the subject, of the justified practice, it is still up to the subject to "see" or experience a connection. Formal implication cannot be predicated of this relationship since the subjective element must be there to bridge the "gap" between conclusion and decision.[2]

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[1] The term "subjective" here is not used in opposition to "objective." Its use is meant to cover the fact that decisions imply a decider, just as judgments imply a judger, that is, a subject. Notional knowledge, or the knowledge of propositions, may take place, as it were, in the "cold" brain. From this point of view computers also might be said to have "knowledge" of propositions, and the human mind might be likened to a computer.

But judgments and decisions involve the person. To say "decision" is the same as to say "human decider," and this is what we are trying to convey by the use of the terms "subject" and "subjective," as the case may be.

[2] As far as the knowledge of propositions is concerned, we are admitting the existence of a gap between conviction and conversion, between conclusion and decision, a gap which cannot be bridged by formal deduction or induction.

This case is similar to that discussed by Alfred J. Ayer in The Problem of Knowledge, 68-133.

But one must immediately add to this that for a particular person the relationship may, at times or generally, assume a type of necessity very close to formal implication. The reason is obvious: people "know" differently.[1] For example, some people are possessed, naturally or by training, of a great sensitivity to the cogency of logical implications, so that the recognition of the demands of a validly justified practice would constitute, for them, the major premise of an existential deduction, the middle term being their own "logical" make-up, and the conclusion being the decision itself. Something of this sort seems to be at the back of Burnett's explanation, and although undoubtedly this may not be so in the case of many, or even the majority, of intelligent decision-makers, to deny its existence and possibility would seem arbitrary and unjustified. Obviously, to call it formal implication is, to say the least, inaccurate and misleading. Burnett's substitution of "situational" for "formal" is acceptable only within the context of a fuller explanation than he has offered so far. But basically we consider it correct.

The subjective or psychological nature of the relationship between practice and decision may be clarified by a cursory look at the different types of decision enumerated by William James in his Principles of Psychology.[2] We find there five types of decision. The first is the reasonable type mentioned above, which occurs when the evidence is all in, the arguments are rationally balanced, and the weight that tilts the scales in favor of a decision one way or another is the discovery "that we can refer the case to a class [i.e., a practice] upon which we are accustomed to act unhesitatingly."[1] The connection is subjective, since it is an application of "some principle of action which is a fixed and stable part of our Ego."[2] And it is proper of the so-called "'reasonable' character."[3]

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[1] Cf. R. M. Hare, The Language of Morals, 66-70.

[2] William James, Principles of Psychology, Ch. 26, Vol. 53 of The Great Books (54 vols.; Chicago: Encyclopaedia Britannica, 1952), 796-798.

In the second and third types, the relationship is somewhat accidental in that one comes to a decision by aquiescing to external or internal determinations of the course of action to take. The evidence pro and con is not all in, or else it is equally balanced. But a certain urge to break loose from the confines of indecision prompts one to decide one way or the other.[4] Here, the relationship is more of a psychological means-ending type, as described by Burns, but the decisive factor reflects the subjective urge of pent-up activity straining to burst open the dykes of indecision. Both types are proper of "persons of strong emotional endowment and unstable or vacillating character."[5]

The fourth class of decision is even more subjective than the preceding three. Here, deliberation is finished, and a course is taken because of a sudden change of dimension due to which the decisive factors are seen in a new compelling light.

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[1] *Ibid.*, 796.

[2] *Ibid.*

[3] *Ibid.*

[4] *Ibid.*, 796-797.

[5] *Ibid.*, 797.

> The whole scale of values of our motives and impulses then undergoes a change like that which a change of the observer's level produces on a view. . . . All those "changes of heart," "awakenings of conscience," etc., which make new men of so many of us, may be classed under this head. The character abruptly rises to another "level," and deliberation comes to an immediate end.[1]

The fifth type of decision is best described in James' own words. He writes:

> In the fifth and final type of decision, the feeling that the evidence is all in, and that reason has balanced the books, may be either present or absent. But in either case we feel, in deciding, as if we ourselves by our own willful act inclined the beam: in the former case by adding our living effort to the weight of the logical reason which, taken alone, seems powerless to make the act discharge; in the latter by a kind of creative contribution of something instead of a reason which does a reason's work.[2]

Here, in James' explanation, we have a type of decision entirely different from the preceding ones. There is, in the first place, the "feeling of effort," "the slow dead heave of the will," an effort which is different from the struggle of deliberation and which is often overshadowed by it. Moreover, in the other types the choice of one alternative entails the dropping of the other (or others) so that the effort in the decision to adopt one course of action is largely diminished. This entails, therefore, a second characteristic, intimately linked with the feeling of effort, namely, the "existential" awareness of both alternatives and the feeling that "in the very act of murdering the vanquished possibility the chooser realizes how much in that instant he is making himself lose. It is deliberately driving a thorn into one's flesh."[1]

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[1] Ibid., 797.

[2] Ibid., 797-798.

It is clear, then, that the psychological or subjective link between conclusion and decision can be of different types depending on the kind of decision and the psychological make-up of the decision-maker.

But a second point must be made at this stage. If the psychological make-up of the judger "colors" the subjective nature of the link between conclusion and decision, it is quite possible--indeed, probable--that it will also affect the link or middle term that mediates the passage from theory to practice, from general premise to conclusion. This is observable in the attitudes different people entertain toward the value of reasoning and argument as well as toward intuition, art, experience, and action.

So, in summary, one will have to conclude that the relationship between ethical theory and practice generally, but primarily and especially between practice and decision, must be understood in the context of a continuity of subjectivity outside of which it is not adequately explainable. This must be so if, especially here, one brings to bear the full weight of the notion of habit. As a man is habitually, so his judgments and attitudes are. A man is, in very truth, his habits.[1] What he is filters all the materials that reach his perception and thought.[2] By what he is, as it were, he endeavors to persevere in his very being.[3] Therefore, the relevance of ethical theory to educational practice and decision-making--just like the relevance, in general, of theory to practice--cannot be understood or explained in a meaningful fashion unless and until we consider the judger as a "person, charged with ideas, deciding and acting in an enlightened way in the individual situation."[4] Only within this totality can we see the judger not merely as deciding, but also as discovering the theories and practices through personal involvement.[5]

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[1] Ibid., 798. R. Bruce Raup, in "Method in Judgments of Practice," The Journal of Philosophy, XLVI, No. 25 (December, 1949), 807, expresses the same idea when he writes: "The judger, when judging, is functioning much more than as a judger of fact; he is creatively, selectively projecting a desired state of affairs."

In short, the relevance of ethical theory to educational practice and decision-making, as well as the kind of relationship that holds among the different factors involved therein, becomes understandable and meaningful only when the individual person, to borrow Kierkegaard's expression, exists ethically. It is not as philosophers or as educators that men make moral judgments, but as men.[6]

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[1] J. Dewey, Human Nature and Conduct, 24.

[2] Ibid., 32.

[3] Spinoza Ethics III. Prop. 6. See also J. Pike, op. cit., 96.

[4] Louis Arnaud Reid, Philosophy and Education (New York: Random House, 1962), 87.

[5] Ibid., 95.

[6] Thomas J. Bigham, "A Serious Morality and a Religious Morality," 211.

Ethics in the School

We have now a sufficiently adequate background against which to detail the relevance or usefulness of ethical theory. The details can be grouped under three headings embracing administrators, teachers, and students. The question, then, to be answered now is, how is ethical theory relevant specifically to each of these three categories.

The Administrator

The function of an administrator can be variously described, depending on the tasks the particular individual is supposed to perform, the level at which he operates, and even the way in which he conceives his particular function.

But the administrator, especially in places of great responsibility, must at least be said to make decisions, and since we are dealing with the field of education, it is, again, safe to assume that at least some of these decisions--and, usually, they will be momentous ones--fall within the realm of morality, and must, therefore, be justified by reference to ethical theory. The next question to ask, in all honesty, is this: how many of today's professional educational administrators have the competence to justify their decisions with reference to a theory rather than to practical expediency?

If one considers decision-making as one of the factors in administration, then one must obviously postulate that this decision-making should be wise and enlightened. There must be, of course, adequate consideration of the facts of the situation and sufficient projection into future consequences, for without these a decision would take place alienated from reality. There must also be a careful weighing of the factual data, interpretation, comparison, evaluation, the formulation of hypotheses, consultation, and so on, all of which involve, given the nature of educational problems, a reference to ethical theory. If this reference is avoided, or if it is improperly performed, decisions cannot be said to be the result of full deliberation, careful consideration, or the intelligent use of all available resources. In short, decisions cannot be said to be wise.

What is required, therefore, of wise administrative decision-making is that, in the first place, it make use of the available information and data regarding the facts of the matter. Second, there is need to evaluate these materials, and evaluation, in the type of educational problems that concern morality, must be made in terms of ethical theory. It is impossible, however, to do this without sufficient knowledge of ethical theory and of the ways of using it. It seems undeniable that to expect someone to make wise decisions in a hit-or-miss fashion is not the best means of establishing wise educational practices.[1]

This may mean that one of the most important qualities to be desired in an administrator is reasonableness, the type of character that looks for reasons to tilt the scales of decision. But it might be difficult to find convincing arguments for the exclusion of the other types of decision-making.

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[1] One of the important implications of this is developed by Wayne A. R. Leys in "Current Applications of Ethical Theory," The Journal of Higher Education, XXI, No. 8 (November, 1950), 415-418. He writes, pp. 417-418: "One of the functions of the ethics teacher is to provide some instruction in the fine old art of casuistry. This art will certainly make a contribution in such activities as labor-management negotiations." (Emphasis added.)

However this may be, a third element must always be present, and it is the habitual concern to seek always the best possible justification. This is the sort of habit or character without which all the powers of reasoning may be put to naught.

The Teacher

What has been said of the administrator applies also to the teacher, except that for him, given his particular function, a high degree of exemplarization is required. This demand seems to us incontrovertible at least when we speak of teachers in the elementary school, though perhaps the notion should be extended to include members of the profession at all levels of instruction.

The notion involved here is the same at the back of Plato's discussion about the "teaching" of virtue: only the virtuous teacher can help children develop the habits of virtue. The same idea is espoused by Peters when he writes:

> My guess is that most of the important things in education are passed on in this manner--by example and explanation. An attitude, a skill, is caught; sensitivity, a critical mind, respect for people and facts develop where an articulate and intelligent exponent is on the job. Yet the model of means to ends is not remotely applicable to the transaction that is taking place. Values, of course, are involved in the transaction; if they were not it would not be called "education." Yet they are not end-products or terminating points of the process.[1]

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[1] R. S. Peters, Authority, Responsibility and Education, 92.

Moral character cannot be produced in the same way that a carpenter produces a table. Moral habit is not chiselled out of children. It develops as children develop in an ambient charged with morality. This is so because habits, as Dewey says, are very similar to functions, especially in that they require the cooperation between the individual organism and the environment.

> Breathing is an affair of the air as truly as of the lungs; digesting an affair of food as truly as of the tissues of stomach. Seeing involves light just as certainly as it does the eye and optic nerve. Walking implicates the ground as well as the legs; speech demands physical air and human companionship and audience as well as vocal organs. We may shift from the biological to the mathematical use of the word function, and say that natural operations like breathing and digesting, acquired ones like speech and honesty, are functions of the surroundings as truly as of a person.[1]

Therefore, to think of moral habit or moral character as belonging solely to the self, or as being developed exclusively by concentration on the child, is to isolate the child from the natural and social surroundings in which alone, and through which alone, habits can be formed.

Now, the teacher, precisely, is an important part of the child's social surroundings. If it is the world, i.e., the whole environment, nature and society, that is responsible for the education of the child, then the teacher, obviously, must be part of this world--not just any part, but one of the most important. For it is in the teacher that the world is concentrated, and it is through the teacher that it is manifested to the child in a humanized form. In Buber's words,

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[1] J. Dewey, Human Nature and Conduct, 14. In the Republic vi. 508, Plato develops the same idea with reference, first to the sun and its light, and then to the Good. Only by being immersed in the irradiations of the Good can one know the Good.

> The world . . . has its influence as nature and as society on the child. He is educated by the elements, by air and light and the life of plants and animals, and he is educated by relationships. The true educator represents both; but he must be to the child as one of the elements.[1]

Hence, much more than merely equipping children with the tools of moral reflection and knowledge about different theories of justification, the development of moral habits in the school is a matter of the total ambient permeating the school experience.[2] In this atmosphere the teacher must be to the child "as one of the elements."

The Student

Most of what has been said so far already covers the relevance of ethics to the student's life. Yet one point must be stressed here once more, and that is the necessity of developing both moral habits as well as the habit of reflective thinking. No education can be complete without both, and no society can endure without both.[3]

Within the context of our discussion here however, one point deserves special consideration, and this is the notion of responsibility. Not very long ago Hutchins criticized education for its failure to help students realize that they were responsible for the consequences of their willful actions, for letting students accept principles and premises and refuse to shoulder the burden of the conclusions.[1] The meaning of the accusation, of course, is that moral education has failed to develop in the pupil an awareness of the connection between his actions and the consequences that follow upon it, especially those consequences which the individual might not have "intended" or willed but which are more or less necessarily connected with the particular action performed. For example, one may say one does not "intend" to commit suicide by eating a pie one knows is heavily impregnated with cyanide; but death, in such an instance, is connected with the eating of the pie, is a consequence of this eating, and the eater, therefore, cannot have one consequence, namely the satisfaction of his desire to eat pies, while severing the other: both consequences flow from the action, and the willing of the action entails the undergoing of the consequences, willed and unwilled.

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[1] M. Buber, Between Man and Man, trans. R. G. Smith (London: Routledge & Kegan Paul, Ltd., 1947), 90. Cf. Edward D. Eddy, The College Influence on Student Character (Washington, D. C.: American Council on Education, 1959), 47-51; Joseph Adelson, "The Teacher as a Model," in Nevitt Sanford (ed.), The American College (New York: John Wiley & Sons, 1962), 396-417.

[2] V. T. Thayer and M. Levit, op. cit., 474-475.

[3] David Riesman et al., The Lonely Crowd (abridged edition; New Haven: Yale University Press, 1961), 5-6.

The basic notion here is the inextricable connection between means and ends, in the plural. It is hard to conceive of any one action that would have just one end, i.e., a situation where a one-to-one relationship between means and ends existed. In such a case it would be easy to see the connection between the execution of a means and the ensuing consequence. But where actions (as means) produce several results, one may be unaware of all the possible results, or one may desire just one of them, or there may be one which is paramount, or all of them may be equally weighty. In these instances one may desire one the the many consequences, but there remains an objective link between one's action and the other undesired results. It is responsibility for the undesired or unwilled consequences of one's actions that is often shirked.

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[1] Robert M. Hutchins, The Higher Learning in America (New Haven: Yale University Press, 1965), 84.

There are also instances where the unwilled possible effects or consequences of a particular action are more or less dependent on other circumstances not all within our knowledge, or even within our control. Nonetheless the objective link between action and consequences remains. It is only in cases where it can be shown that the agent did his best to obtain the necessary knowledge or control of what turned out to be an unwelcome result, that imputability is diminished.

There are cases, therefore, where imputability and responsibility are diminished because of attenuating circumstances. We are not concerned with these here, though we recognize their existence. Neither are we proposing to discuss the assumptions behind different views of responsibility.[1] Our concern is primarily with the objective link between actions and their consequences. And in this context we want to consider some of the consequences of actions that are likely to go unnoticed, as well as the special function of education in this regard.

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[1] There are many treatments of responsibility from this point of view. See, for instance, Francis H. Bradley, Ethical Studies (Oxford: Oxford University Press, 1927), Essay I; C. A. Campbell, "Is 'free-will' a Pseudo-Problem?" Mind LX (1951), 441-465; W. K. Frankena, Ethics, 55-62; Young Pai, "Causation, Freedom, and Moral Education," in Young Pai and Joseph T. Myers (eds.), Philosophic Problems and Education (New York: J. B. Lippincott Co., 1967), 425-455.

Some forgotten consequences. If there is an aspect of life where the creativeness of the human agent is manifest, it is the whole realm of consequences. But for the intervention of an agent many effects would never come to be, their actuality is so much connected with the action. Man, as an agent, is so inextricably intertwined with his environment that, especially in the realm of moral behavior, it is almost impossible to determine where a means ends and an end is achieved, or when an action is "finished," since its ramifications in terms of consequences are so varied and enmeshed with the whole fabric of the environment.

By the environment one must, first, understand the physical environment. What we do modifies the environment, the world around us, and it, in turn, acts on us differently, as a result of our action. The changes in the environment, the differences of its action upon us, and the variations of our reactions, may be imperceptible over a short period of time, but they are there, and it would be as futile to pretend that they were not as it would to wish to disengage oneself or one's actions from the continuities of this evolutive process.[1]

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[1] In The Future of Man (New York: Harper & Row, 1964), Pierre Teilhard de Chardin goes as far as to write that "One may say that until the coming of Man it was natural selection that set the course of morphogenesis and cerebration, but that after Man it is the power of invention that begins to grasp the evolutionary reins" (p. 293).

Consequently, he goes on to say, "There can be no doubt that the burden of continuing the World weighs more and more heavily on the shoulders of Mankind" (p. 42). But the burden cannot be ignored or shirked: "The beasts of the field may trust blindly to instinct, without thereby diminishing or betraying themselves, because they have not yet seen. But for us, because our eyes have been opened, even

But perhaps it is at the social level, or in the context of our social environment, that this continuity of action and consequence fails to be recognized most. Factually, whether we want it or not, others take cognizance of our actions, they respond to what we say or do, and, in turn, expect us to answer for our statements or actions. Dewey saw this clearly when he wrote:

> When a child acts, those about him re-act. They shower encouragement upon him, visit him with approval, or they bestow frowns and rebuke. What other do to us when we act is as natural a consequence of our action as what the fire does to us when we plunge our hands in it. . . . Liability is the beginning of responsibility. We are held accountable by others for the consequences of our acts. They visit their like and dislike of these consequences upon us. In vain do we claim that these are not ours; that they are products of ignorance not design, or are incidents in the execution of a most laudable scheme. Their authorship is imputed to us. . . . Others do take account of what we do, and they respond accordingly to our acts. Their responses actually do affect the meaning of what we do. The significance thus contributed is as inevitable as is the effect of interaction with the physical environment. . . . Our conduct is socially conditioned whether we perceive the fact or not.[1]

We have seen this same notion developed by H. R. Niebuhr in The Responsible Self. Man as responsible is man-the-answerer, engaged in continuous dialogue with reality as well as with other selves, acting in response to actions upon him and expecting responses to his response

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though we seek hurriedly to close them, the question will continue to burn in the darkest corner of our thought. We cannot recapture the animal security of instinct. Because, in becoming men, we have acquired the power of looking into the future and assessing the value of things" (p. 47).

[1] J. Dewey, Human Nature and Conduct, 314-316. See also W. K. Frankena, Ethics, 4-6.

in a process of continuous correspondence.[1]

Answerability to the environment, therefore, whether physical or social, is inescapable. The confrontation with this "fact" may fill us with anxiety,[2] but we achieve nothing by ignoring or denying it. In fact, the very ignorance of it would be an answer, for any attitude we adopt would be a response, and it would draw an answer from others in return.

Another conseuqence which cannot be overlooked is the effect the agent's action has upon the self. For, as Dewey has remarked, "the consequence which is most important is that which occurs in personal attitude: confirmation of a good habit, change in a bad tendency."[3] The self is constantly in a process of becoming, and whatever he can be said to "be" at particular stages of this evolution is the result of the self's actions. The environment also plays a part in this becoming, of course, but this does not diminish, much less obliterates completely, the self's responsibility for what he becomes.

It is important to emphasize this responsibility of the self for what he becomes because of the contemporary malaise that seeks to dislodge the notion and the burden of responsibility.[4] When science has placed at our disposal the knowledge of countless variables the temptation to remain at the level of description and to avoid the responsibility for prescription and correction is very strong. Analysis and understanding of causes is surely necessary, but it must not be done at the expense of losing sight of the totality of the human person.[1]

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[1] H. R. Niebuhr, op. cit., 56, 65.

[2] Cf. Pierre Teilhard de Chardin, The Phenomenon of Man (New York: Harper Torchbook Edition, 1961), 225-226.

[3] J. Dewey and J. Tufts, Ethics, 338.

[4] R. S. Peters, in Authority, Responsibility and Education, 57, finds that the common feature of this malaise is "the denial of responsibility coupled with a story about the causes of actions and standards. Sufferers

Existentialism has rightly emphasized this responsibility of the individual person for what he eventually becomes, and one must say that this emphasis is welcome. Commenting on the existentialist assertion that existence precedes essence, Sartre writes:

> What do we mean by saying that existence precedes essence? We mean that man first of all exists, encounters himself, surges up in the world--and defines himself afterwards. If man as the existentialist sees him is not definable,

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from this malaise are victims of their own beliefs; for, in fact, they are less responsible because they believe they are. The dark recesses of class and childhood have provided them with a gift of a get-out. They do not simply diagnose their condition . . . they justify, or excuse, their failure to take responsibility for their own lives by an appeal to causes. The 'mixed-up kid' says that he cannot help trying to strangle his girlfriend because his mother rejected him, or preferred his younger brother, or something like that. Perhaps he cannot help it . . . perhaps. But the more strongly he believes that he cannot help it, the less likely will he be able to help it. His belief may foster a reality. But my contention is that there are usually, in fact, very poor grounds for this sort of belief."

The reason is clear: "a revelation of the causes of our actions should increase rather than decrease our responsibility for them. . . . Indeed, a glimpse of what is latent in us may help us modify our reactions to others. If we become able to recognize wishes and impulses in ourselves of which we were previously unaware, we are not *ipso facto* confronted with irresistible impulses. Indeed, coming to recognize them in ourselves may be one of the conditions necessary for resisting them" (*ibid.*, 59). See also R. S. Peters, *Ethics and Education*, 186-192.

[1] This is largely the burden of Sartre's "existential psychoanalysis." See Jean-Paul Sartre, *Being and Nothingness*, 682-703.

> it is because to begin with he is nothing. He will not be anything until later, and then he will be what he makes of himself. Thus there is no human nature. . . . Man simply is. Not that he is simply what he conceives himself to be, but he is what he wills, and as he conceives himself after existing--as he wills to be after the leap toward existence. Man is nothing else but that which he makes of himself.[1]

Consequently, as Sartre immediately points out, man is placed in possession of himself, he becomes answerable to himself as well as others for what he makes of himself. Even if he were to ignore or neglect this responsibility, it would still be there to haunt his reflective moments, for the link between his actions and what he becomes is not effaced by ignorance or corroded by neglect.

But this responsibility is not purely "personal," in the sense given to this term by those who claim that what they make of their lives is their own affair. What we become does not happen in a vacuum but within a social context in which what the individual is forms part of the total environment. It matters very much, therefore, that the individual feel responsible for what he becomes not merely because of himself but also because of society, because of the others with whom he interacts. Sartre, again, expresses this succintly. He writes:

> When we say that man is responsible for himself, we do not mean that he is responsible only for his own individuality, but that he is responsible for all men. . . . When we say that man chooses himself we do mean that every one of us must choose himself; but by that we also mean that in choosing for himself he chooses for all men. For in effect, of all the actions a man may take

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[1] Jean-Paul Sartre, Existentialism and Humanism, as quoted in Morton White, The Age of Analysis (New York: The Mentor Philosophers, Mentor Books, 1955), 124.

> in order to create himself as he wills to be, there is not one which is not creative, at the same time, of an image of man such as he believes he ought to be. To choose between this or that is at the same time to affirm the value of that which is chosen; for we are unable ever to choose the worse. What we choose is always the better; and nothing can be better for us unless it is better for all. . . . I am thus responsible for myself and for all men, and I am creating a certain image of man as I would have him to be. In fashioning myself I fashion man.[1]

It must be noted here also that this universal responsibility is not dependent on my acceptance of it, or my awareness of it, its being pleasing to me, and so forth. It is entailed by my wishing to be this sort of man as well as by the fact that this choice is not solitary. The connection between the individual's action or choice and the universal consequence is there whether he like it or not. No man can speak a word, even to himself, even in his inmost heart, to which there is no echo.

Responsibility in education. If this is so, if the responsibility for the consequences of one's actions is objectively entailed by the very positing of one's actions, then it behoves the individual to be aware of these consequences so that he can act reflectively and conscientiously, with full awareness and deliberation, so that, if need be, he may modify his actions with a view to producing those consequences only which are worth producing in view of the points we have discussed above. This is the "educative" aspect of responsibility (as distinguished from "legal" imputability for the purposes of punishment), and it is one of the important factors of moral education.

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[1] M. White, op. cit., 125-126. As can be easily seen, this is but an "existential" re-statement of generalizability. In this connection see R. M. Hare, Freedom and Reason, 46-48.

The meaning of this is that the purpose of imputing some consequences to the actions of an individual person, the purpose of holding him "responsible," of asking him to answer for the consequences of his actions is not to punish him but to make sure that he acts differently the next time; in short, to make sure that he learns to foresee the consequences of his actions.[1]

Viewed from the stance of society, when we disapprove of an action we seem to be saying by our actions or words or both, that we intend that the individual will deliberate before he acts again, so that his deliberation may help him prevent the objectionable consequences. As Dewey puts it,

> Approbation and disapprobation are ways of influencing the formation of habits and aims; that is, of influencing future acts. The individual is held accountable for what he has done in order that he may be responsive in what he is going to do.[2]

The past cannot be changed, the action done remains done and the consequence remains effected. But we look at the past, and we hold some one answerable in this retrospective fashion, so that he may "see" the connection between his action and the consequences we object to (or approve of), and that "seeing," he may the better foresee the consequences of his actions in the future. From the point of view of society, therefore, holding someone responsible is an educative task.[1] The same can be said, of course, about the other aspects of responsibility we have touched on above. Education, from this point of view may be called "the discovery of responsibility"[2] in a full and comprehensive sense, the development of the awareness of the essential unity of the self, his acts, and their consequences.[3]

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[1] Plato had already noticed this educative aspect of holding a person responsible. In the Protagoras 324, he writes: "In punishing wrongdoers, no one concentrates on the fact that a man has done wrong in the past, or punishes him on that account, unless taking blind vengeance like a beast. No, punishment is not inflicted by a rational man for the sake of the crime that has been committed (after all one cannot undo what is past), but for the sake of the future, to prevent either the same man or, by the spectacle of his punishment, someone else, from doing wrong again. But to hold such a view amounts to holding that virtue can be instilled by education" (W. K. C. Guthrie translation, in Plato, Protagoras and Meno. Baltimore: Penguin Books, 1956, pp. 55-56).

[2] J. Dewey, Human Nature and Conduct, 316.

Responsibility, habit, and example. The development of this awareness, however, must be conceived primarily as the formation of habitual ways of behaving responsibly. Instruction may also be necessary, for after all, knowledge is involved in the process of foreknowing.[4] But it is mainly by the formation of a habit of concern to reflect and foresee, to see connections and answer for one's actions, that responsibility is developed.[5]

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[1] J. Dewey and J. Tufts, Ethics, 337-338.

[2] Van Cleve Morris, Existentialism in Education (New York: Harper & Row, 1966), 117.

[3] J. Dewey and J. Tufts, Ethics, 318-319.

[4] The good qualities of responsibility are acquired, Plato wrote in Protagoras 323 (W. K. C. Guthrie, op. cit., 55) "through care and practice and instruction."

[5] The importance of habit in moral education, and the fact that habits of this kind are formed quite early in childhood, seem to us

This requires, of course, that the whole educative atmosphere be permeated by the concern to understand and use accountability for educative purposes. Even the notion and the practice of punishment must be imbued with the purpose of change and reform, for the rules and regulations whose infringement punishment seeks to redress are also educative in purpose: the entire enterprise is aimed at helping the child develop his ability to choose, to restrain himself, to acquire a sense of autonomy, and to form habits of serious concern for the adequacy of his actions.[1]

It is, then, within this atmosphere planned for the development of behavioral habits[2] that the child, by interacting responsibly with a responsible and responding environment develops gradually the habit of answering for what he has done, of "seeing" the connections between action and consequence, of not being satisfied with the perception of just one consequence but with all of them,of looking back in response to his

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sufficient reason for disagreeing with Van Cleve Morris, *op. cit*., 116, when he writes that existentialism is not relevant to education in the elementary grades, for "the lower grades necessarily deal with the individual before he is existentially awake. Existentialism, as an educational philosophy, can therefore afford to be officially indifferent to and disinterested toward elementary educational theory."

Children, of course, may not be as awake as adults to the implications of responsibility. However, they are very much involved in the existential formation of autonomous or self-guiding habits of behavior. See Jean Piaget, *The Moral Judgment of the Child* (New York: The Free Press, 1965), 109-196.

[1] For a detailed treatment of responsibility, punishment, and discipline, see R. S. Peters, *Ethics and Education*, 172-194.

[2] Cf. J. Dewey and J. Tufts, *Ethics*, 320-321. It must be said that the findings of behavioral psychology, knowledge of the interplay between stimulus and response, even "behavioral planning," can offer priceless insights into the ways of moral education.

environment so as to be able to foresee the possible future consequences of a proposed action, of being concerned for the consequences of his actions; in brief, the habit of being responsible.[1]

The purpose, then, of the various methods that may be used in moral education must always be to aid the forming in the person taught of

> the habit of realizing for himself and in himself the nature of the practical situations in which he will find himself placed. The end of the method, then, is the formation of a sympathetic imagination for human relations in action.[2]

More concretely, this will require at least the presence of situations in which the typical features of human interaction will be present: interests and emotions, reflection, autonomy and conformity, freedom and authority, planning, execution of designs, and readiness to accept the burden of accountability.[3] But even more than just situations, what is required is that these features be present in the continuous transactions that take place in the school environment.

Paramount in this environment is, of course, the teacher. We have already stressed this above, and there is no need to develop this in full again here. But it must be said that the teacher's own attitude toward rules,[4] regulations and law, his attitude toward authority and those in authority, his way of effecting compliance with laws and regulations, play a very important role in the development of habits of responsible behavior.[1] As Harvey Cox has expressed it, what we need today is

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[1] J. Dewey and J. Tufts, Ethics, 338; J. Dewey, Human Nature and Conduct, 316. Lehmann, op. cit., 209, writes: "Man makes ethics possible because only man makes himself responsible for what ought to be."

[2] J. Dewey, "Teaching Ethics in the High School," 224.

[3] Ibid., 224-226; P. Lehmann, op. cit., 455; R. M. Hare, The Language of Morals, 62; E. D. Eddy, op. cit., 93-101.

[4] Cf. G. E. Moore, Principia Ethica, 163.

> not a new set of permanent and eternal fixed values but models of excellence--models of maturity and adulthood, persons who are willing to demonstrate to us how man lives in this new and giddy age of secularity.[2]

Ethics and Society

But the question may be raised: what ethical theory should provide guidance and justification in all these departments? Doesn't all this constitute a plea for the perpetuation in education, at the level of ethical justification, of the denominational differences that we have long sought to avoid?

To answer this question one must, in the first place, stress once more the fact that education is not a neutral enterprise. Education cannot be neutral as long as human beings are implicated in the process.

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[1] The interplay between creativity and conformity, interests and consequences, anomie and heteronomy, in the formation of autonomy in the child is studied by Piaget, *op. cit.*, 109 ff.

Summarizing his findings Piaget writes, p. 196: "Reciprocity seems in this connection to be the determining factor of autonomy. For moral autonomy appears when the mind regards as necessary an ideal that is independent of all external pressure. Now, apart from our relations to other people, there can be no moral necessity. The individual as such knows only anomy and not autonomy. Conversely, any relation with other persons, in which unilateral respect takes place, leads to heteronomy. Autonomy therefore appears only with reciprocity, when mutual respect is strong enough to make the individual feel from within the desire to treat others as he himself would wish to be treated."

[2] Harvey Cox, "Maturity and Secularity," 217.

Secondly, the non-neutrality of education demands at least the commitment to what we have called above, using Maritain's words, the practical values of a society or civilization. At this level at least there is a basic agreement.

But there is another and more immediate area of agreement to which deliberate attention must be paid. This is the third factor to be mentioned in our answer to the question posed. This is the area of the immediate community in which the educational process takes place. This is, admittedly, a difficult area to deal with, but the neglect to deliberately include it in the methodological justification of decisions has led to the many problems of school-community conflict of which we are so painfully aware today.

We are referring here to what is usually called the "community criterion."[1] What this implies briefly, is that, since society is admittedly a paramount factor in the formation of moral habit, and since education as a social process is concerned with the initiation of the young into this very social milieu, one should deliberately include the factor of community consensus in the process of justifying a practice or making policy decisions.

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[1] See R. B. Raup _et al._, _The Improvement of Practical Intelligence_; R. Bruce Raup, "Method in Judgments of Practice," 801-817; R. Bruce Raup, "The Community Criterion in Judgmental Practice," _Studies in Philosophy and Education_, I, No. 1 (September, 1960), 4-39; Fred M. Newman and Donald W. Oliver, "Education and Community," _Harvard Educational Review_, XXXVII, No. 1 (Winter, 1967), 61-106.

> A chief merit of this approach in analysis [writes Raup] is that it sustains awareness of the medium in which all judgments, whether of fact or of practice, do eventually find their authority, the test of their very claim.[1]

Now, by "consensus" is not meant just public opinion, or the opinions of the majority, or a static and finished consensus of opinion. Such understanding of "consensus" is, of course, highly open to question,[2] and can, at times, create havoc in a society. What is meant here is the type of consensus found in a scientific community.[3] Such a consensus is uncoerced and as far as it goes, free, depending only on the free acceptance of the evidence offered; it is intelligent, for it is accepted with full knowledge and appreciation of what is involved, of the consequences, the requirements and demands of acceptance. This consensus is neither fully static nor altogehter in a state of flux, for although it accepts and welcomes new methods, discoveries, suggestions, experiments, and so on, it maintains a certain stability represented by the more general principles and laws agreed to by all.[4]

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[1] R. B. Raup, "Method in Judgments of Practice," 809.

[2] See Bertram Bandman, The Place of Reason in Education (Columbus, Ohio: Ohio State University Press, 1967), 72-75. As Bandman points out, p. 75, "It is possible to say, without self-contradiction: 'X is believed by consensus to be right, although it is wrong'."

[3] See John Dewey, Reconstruction in Philosophy, 142: "Truth means scientific success, or as we ordinarily say, 'verification,' with all that this term implies. It is what emerges from the critical employment of the best method that we can develop. It *is* a social product, not in the sense that a majority happens to accept a given belief, but in the sense that no belief can be called true unless it is capable of compelling the universal assent of those who understand."

[4] Raup, in "Method in Judgments of Practice," 811-812, describes this creativity within conformity as the fact "that the inherited traditional structure of ideas, belief, outlook, and practice which

This consensus, moreover, is freely willed and desired by the individual researcher who proposes his conclusions to the judgment of the scientific community. As such, the researcher seeks the approval of his colleagues since this approval is a criterion of correctness. But he also seeks to make a contribution to their very consensus. He seeks, in other words, to find as well as to make a consensus, to conform as well as to create, to take as well as to give something of his own.

Such is the context, then, of ethical justification. It allows and requires both "consensual" and "dissensual" knowledge, because the educational practices it seeks to justify encompass both individuals and the larger societal group. It takes cognizance of the individual's views and inclinations as well as of society's traditions. If we accept Dewey's insistence on the centrality to education of the child's social experiences, the obvious implication would be to make this social experience one of the factors we deliberately consider in the process of ethical justification.

Nothing that we have said, however, implies that this is an easy matter. In fact, the difficulty of the enterprise may lead one to label it as utopian and impracticable. No community, it may be argued, is as

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constitutes it a community is in no case all in the situation of judgment. This means that some of it for the case at hand is unquestioned and, as embodied in the judgers, is imperative. As such it is projected into the judgmental outcome. . . . It is something wanted, insisted upon, required to be honored in the judgmental outcome . . . something which is self-projecting, wanted, judger-identified, something which as such is to be taken into account, along with that which is held hypothetically or in active tentativeness." See also J. Dewey, Human Nature and Conduct, 314-315.

enlightened as the model claims, and one cannot involve oneself creatively in the enlightenment of a community except at the risk of sharing the fate of Socrates.

If this were shown to be the case we would have only ourselves to blame. On the other hand, even if this were shown to be the case, it would still be up to us to bring mankind closer to "reality," to use Plato's phrase,[1] for education is one of the tools of a society's own reconstruction: "Only through the schools can we undo the harm the schools have done."[2]

Conclusion

This chapter has been devoted to the examination and justification of the assumption that ethical theory does have relevance for educational practice and decision-making. Education, we have found, is not neutral: it is constantly involved in processes of evaluation, especially moral evaluation, whose justification must be sought in ethical theory precisely because of the nature of the problems as well as of ethical theory.

Moral problems and decisions, moreover, were discovered to be inextricably involved in education because of the nature of education as a social process of initiation. From this point of view, the transmission of practical values was said to constitute one of the objectives of education, and the development of techniques of reflection to enable the younger generation to adapt those values to the new emerging needs of their society here seen as a concomitant objective. Tied up with this process we found the development of character or moral habit, the habitual concern for society's welfare, and the finding of one's happiness in the pursuit of what might contribute to the greatest good for the greatest number of people.

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[1] Plato Republic vii. 515.

[2] Pierre Lecomte du Noüy, Human Destiny (New York: The New American Library, 1947), 154.

All this requires, as we have seen, that certain practices be established, that decisions be made in this context of moral behavior, and that the justification of these decisions and practices, consequently, be made in terms of ethical theory. For only in ethical theory do we find the deliberate concern for the particular characteristic of moral practices and decisions, namely, their obligatoriness.

Next we sought to determine the nature of the relationship between ethical theory and the practices it justified, and we found that such relationship could be classed as one of formal implication. But the relationship of decisions to their practices or to ethical theory in general, did not seem to fit the strictness of logical inference. We found, therefore, this latter relationship to be psychological and habitual, with varying degrees of reasonableness and structuralization, but nonetheless always at the level or in the dimension of subjectivity.

Now, taking all this into the school, we found that in the case of the educational administrator, because of the nature of his decision-making functions, reasonableness was a desired characteristic, although the other types mentioned could not be excluded. In the case of the teacher, again, because of the nature of his function, a great degree of exemplarization seemed to be required, so as to constitute, by being "like one of the elements," the atmosphere charged with morality in which children could develop the required moral character. In the case of the student, the development of good moral habits was seen to depend more upon the overall moral environment than on injunctions and even the development of habits of reflection.

Finally, a few observations were made with reference to the deliberate methodological inclusion in the process of justification of the community consensus. For if the child's social experiences are supposed to be at the core of the child's educational experiences, it is hard to see how this procedural reference to the community consensus can be avoided.

Finally, one must stress here once more the character of tentativeness that must be attached to the entire treatment of this matter in the present chapter. We have been, after all, trying to justify an assumption, and nothing we have said here should be construed as constituting a "proof" of the contention that ethical theory does have relevance to educational practice and decision-making, or of the manner of interpreting this relevance.

CHAPTER VII

SITUATION ETHICS AND EDUCATION

Introduction

We come now to our final task, the evaluation of situation ethics in terms of its relevance to the educational enterprise. What situation ethics is has been examined at length in the foregoing chapters. Fletcher's brand of situationism has been detailed, and a background of the relationship between ethical theory in general and education has also been provided. Our purpose now is to find out whether or not situationism can provide guidance in education to a degree comparable to that of other ethical theories, doing justice to all that education demands especially with regard to the development of social character.

This is not a purely academic question. Situation ethics has been presented to the public at large by the news media as a sort of latter day moral panacea, as "the only ethic for 'man become of age'."[1] Fletcher's Situation Ethics has been proposed, together with Plato's dialogues (as if they were on a par!), as the sort of book that should be examined in ethics courses at the high school level.[2] Modern man seems to be susceptible more than ever before to the allergy to law that has affected Fletcher so badly, and no where is this susceptibility so apparent as in the realm of education. Consequently, the question must be raised: is situationism the answer to the many problems that arise within the context of education today? Can it be even one answer, can it provide some guidance, can it help us understand in some measure the various problems we continually encounter?

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[1] J. A. T. Robinson, Honest to God, 117.

[2] Leroy Garrett, "Ten Years in High School Philosophy," Educational Theory, XVII, No. 3 (July, 1967), 246.

To these questions that concern the relevance of situationism to education our answer will be, first of all, that a distinction is called for. Situationism in general, situationism of the type advocated by Tillich, Brunner, Robinson, Ramsey, Niebuhr can, no doubt, provide relevant guidance and a sufficient framework for the adequate justification of the tasks proper to education. Fletcher's situationism, on the other hand, must be said to be wanting with regard to one of the most important factors of the educational process, the social character. Fletcher's situationism may be said to do justice to the creative and individualistic factor of the social character, but it fails to recognize and incorporate the continuities and conformities without which a society cannot exist and which, in such large measure, form part of the content of education.

When Fletcher defines his brand of situationism not as a codified system of conduct but as a "purposive effort to relate love to a world of relativities through a casuistry obedient to love,"[1] he is taking cognizance of the element of relativity and uniqueness present in human life and conduct. But the overall emphasis on this aspect to the rejection of any continuity that may also be "obedient to love," creates an insoluble conflict with the continuities and structures which do, in fact, exist in society, the continuance of which is one of the primary tasks of education.

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[1] J. Fletcher, "The New Look in Christian Ethics," 10.

It may be objected, of course, that we are criticizing Fletcher's situationsim from within a framework of our own devising, a context as arbitrary as Fletcher's own. From this point of view, of course, as Edel remarks, "There is no level of criticism that is itself exempt from criticism."[1] And if this were true of our criticism, it wouldn't be worth expressing.

However, the point that we are trying to make is somewhat different. For although in the foregoing pages we have attempted to criticize Fletcher's situationism from within, from the point of view of internal consistency and adequate use of its own tenets, our criticism of it in reference to education and within the context of our remarks on ethical theory in general, is not entirely from without. The reason is obvious: what Fletcher's situationism espouses we too espouse--but we go beyond. And we go beyond because, unlike Fletcher, we do not view the law as an enemy but as an ally. Instead of allergy to law we have, rather, an allergy to dichotomy. This is the reason why we think that situationism in general can avoid the pitfalls into which Fletcher so unnecessarily stumbles.

Briefly, then, our position is that Fletcher's situationism, when viewed in the context of its possible relevance to education, is shown, once more, to be incomplete. If, despite its incompleteness, it gains a hearing in education, its influence, except, perhaps, in some instances, as a temporary reaction to authoritarianism, cannot but be pernicious. In the pages that follow we shall attempt to justify these conclusions.

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[1] A. Edel, Method in Ethical Judgment, 54.

Fletcher's Situationism and Educational Practice

We had occasion to observe in Ch. IV that for Fletcher rules, principles, maxims, practical generalizations, all have the same value and force. His "principles generally valid" have the strength of a rule of thumb, a generalization derived from experience that concerns the performance of certain acts but which, given the nature of the situation, can be disregarded without trouble. Ramsey, commenting on this,[1] remarks that indeed, rules of thumb or generalizations such as "Punt on fourth down," "Always count your change," or "Keep to the right lane," cannot be said to hold rigidly in all situations where they are meant to apply and out of which they have arisen. An alteration of the factors involved in the particular situation can easily alter the applicability of the directive which, after all, is not meant to be anything more than that. In fact, as we have noted, Fletcher himself refers to principles as "operational directives."[1]

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[1] Cf. P. Ramsey, Deeds and Rules in Christian Ethics, 166 (footnote 15).

But one cannot say the same of all principles and rules. While the looseness that Fletcher claims for "principles generally valid" may be easily admitted with regard to the practices mentioned above, the same cannot be accepted where we have practices whose rules concern us more closely. Such is the case with the practice of morality and the rules embedded in it, as well as with the moral traditions a society treasures and wishes to perpetuate through education. Even if we consider practices under the category of "games," there surely is a difference between a practical procedure such as "Punt on fourth down" and the rule "To grab the face mask is illegal." To treat all rules and principles as if they were simply practical hints seems to deny that the game, as a rule-governed activity, is different from sportsmanlike conduct or even good sportsmanship. Again, in certain circumstances it may be justifiable to disregard the injunction, say, against killing another human being. But the force and obligatoriness of this injunction is certainly different from that of the injunction to "Always count your change," or to "Keep to the right lane."

Now, educational practices may not always be of a moral character, and even those which do fall within this category may not always have the same importance or the same degree of obligatoriness. There may be injunctions such as "Never leave an examination unproctored," or "Teachers should always be examples to their pupils," or "Pupils should not go up the down staircase." While the first and third injunctions are good practical hints, the second is at a different level of generalization and, consequently, one cannot reasonably apply to all three the same canons of obligatoriness. Again, within the content that is passed on in education there may be injunctions such as "Honesty is the best policy," or "One must respect the rights of others," or "One should always procure the greatest good of the greatest number," all of which have different degrees of obligatoriness. Yet it is precisely this difference between kinds or types of rules and principles and their corresponding degrees of obligation that is ignored by Fletcher. Generalizations such as "Honesty is the best policy" may be certainly treasured by society but only as good practical hints. But society itself may attribute greater importance and obligation to principles such as those of justice and equality and respect for the rights of others. In fact, society may be ready even to use force in ensuring the execution of the latter, while it would not bother to enforce the former simply because they are viewed as matters of practical policy.

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[1] J. Fletcher, Situation Ethics, 55.

One cannot, therefore, as Fletcher would have us do, treat the latter principles with the levity one would treat the former. This does not mean that such injunctions are to be obeyed absolutely and identically in all situations irrespective of relevant differences. We have touched on this above. All that is implied is a readiness to grant certain principles, rules, and injunctions, a higher degree of obligation than that due to mere rules of thumb or practical hints.

From the educational viewpoint, therefore, to treat them all as mere maxims would be to violate the very trust a society gives its educational institutions, namely, the task of transmitting to its young what it considers worthwhile together with the degree of worthwhileness or obligation it considers proper.

But there is another objection to Fletcher's situationism from the point of view of educational practice, and this is his failure to account for the continuities of human behavior. Theoretically speaking Fletcher, while avoiding an open denial of continuity in human experience--a denial which would clearly place him in the camp of antinomianism--asks the question "very seriously, if there are ever enough cases enough alike to validate a law or to support anything more than a cautious generalization."[1] In other words, Fletcher seems to be implying that social behavior does not offer any continuity or similarity beyond the one that can be handled, at best, by "cautious generalization" or rules of thumb, the relevance of which can be easily questioned and their obligatoriness in a particular situation easily disregarded. In other words, Fletcher seems to be saying that the existence of the type of structured, ordered, rule-governed practice of which we have been speaking is very questionable.

This is largely an empirical question, but not entirely. Facts, no doubt, account for the difference between cases, and the margin of interpretation of what counts for relevant or irrelevant factual difference would entitle Fletcher to hold a view close to the antinomian's theory of radical discontinuity. But the empirical grounds for such a view, in education at least, are very flimsy. If there is anything characteristic of education it is its concern for the continuities of the societal process. Concern for such continuity is, in fact, the task of education. Education, in fact, is a means of continuity. As Dewey puts it,

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[1] J. Fletcher, Situation Ethics, 32.

> With the renewal of physical existence goes, in the case of human beings, the re-creation of beliefs, hopes, happiness, misery, and practices. The continuity of any experience, through renewing of the social group, is a literal fact. Education, in its broadest sense, is the means of this social continuity of life.[1]

Echoing Spinoza once more we can say that every society, in so far as it is in itself, endeavors to persevere in its being,[2] and the continuities implicit in this perseverance are not adequately explainable in terms of a theory of radical discontinuity.[3]

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[1] J. Dewey, Democracy and Education, 2.

[2] B. Spinoza, Ethics III, Prop. 6.

[3] One must insist once more that the recognition of continuities does not entail the denial of relevant differences when these can be shown to exist in fact. Neither does this mean that the solution of every possible case is pre-established and unchangeable. As Borowitz remarks ("On the New Morality," 331-332), "Where the perennial truths, generally in the form of purposes, are not self-evident or reasonably clear, even the older teachers agree that further evidence is required to determine what is morally right. That, however, is to admit that pragmatic considerations are critical in determining the good, for without the examination of effect and result the ethical principle has, in effect, no genuine content."

Hare concurs. To think that "we should say to ourselves that people, and the situations in which they find themselves, are unique, and that therefore we must approach every new situation with a completely open mind and do our moral thinking about it ab initio," is an absurd proposition.

Of course, "it is important to realize that there are problems of this kind; but if all moral questions were treated like this, not only

But Fletcher holds, in fact, this view of discontinuity. This means that his attitude toward the customs, the laws, the wisdom of a society as established or preserved in its many practices, is that of an antinomian. Moreover, his view of society itself is, by implication, that of a disparate conglomerate of unique individuals and their actions, without connection, without similarity--in fact, so inconsistent, that any semblance of similarity or continuity must be regarded as suspicious.

So, what categories could Fletcher's situationism provide for the understanding or structuring of the continuities a society treasures and wishes to transmit to its young? As far as Fletcher is concerned, all that education should do as far as moral training is concerned is tell youngsters to act lovingly in the situation. The notion of initiation into a social continuity loses all its meaning where there is no continuity that is not held suspect, much less worth preserving and transmitting to the younger generation.

One could almost say--though Fletcher, admittedly does not say this--that the function of the school, if indeed there should be schools

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should we never get around to considering more than the first few that we happen to encounter, but any kind of moral development or learning from experience would be quite impossible. What the wiser among us do is to think deeply about the crucial moral questions, especially those that face us in our lives; but when we have arrived at an answer to a particular problem, to crystallize it into a not too specific or detailed form, so that its salient features may stand out and serve us again in a like situation without need for so much thought. We may then have time to think about other problems, and shall not continually be finding ourselves at a loss about what to do" (R. M. Hare, Freedom and Reason, 41-42).

for such meagre task,[1] should be to tell youngsters that "really," the rules of society are not that binding, that they can be dispensed with, that the rules of the game do not bind, that they can be ignored whenever they interfere with their free and creative activity, and that in their decision to exempt themselves from the rules of the game all they need do is keep in mind what they think is the welfare of the rest of society. In fact, it might be desirable for teachers to convey this notion to their pupils by their own example of free, creative, loving, situational, law-repudiating behavior!

Briefly, then, Fletcher assumes that all practices are loosely bound together, that discontinuity in them is a "harder" fact than continuity, that, consequently, all rules and principles are more suspect than trustworthy, that what counts is the love-laden decision of the moment, and that this is the only thing worth knowing. It does not matter if the practices enshrine the heritage of civilization and the wisdom of the ages: the moment the individual finds them burdensome he can "dump" them. Translated into more concrete language, there is no custom, no consensus, no wisdom or mores, no traditions or values of a society, no constitution, or law, or ethics--in short, no practice--which an individual teacher, principal or even student cannot disregard if he does not find it conducive to love in a particular situation.

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[1] Incidentally, there is one kind of school reform Fletcher would find easy to justify: the movement toward the unstructured, ungraded, pupil-need/ability-centered school. Individuals being radically unique, with unique abilities and needs, the ideal Fletcherian school would demand a one-to-one teacher-pupil ratio, with no curriculum, no regulations, no expectations.

It must be noted here that the objection we are raising is not directed toward the emphasis on the variability, flexibility, even uniqueness or lack of structure which Fletcher seems to consider so much a part of the essence of human life. Our objection is, rather, to the exclusiveness of this view, its onesidedness, its failure to recognize the existence, validity, importance and purpose of order and structure and continuity. As we said at the beginning it is not so much the emphasis as the incompleteness of the emphasis that is objectionable in Fletcher's approach; that having once glimpsed that in a balanced view freedom presupposes order and order freedom,[1] he has failed to maintain this balance in his approach to the study of morality.

Fletcher's Situationism and Moral Habit

From all that has been said above it is easy to see that Fletcher would either negate or explain away the environmental influence in the formation of moral habit, an element which plays such an important role in the development of character. For in fact, this intimate connection between environment and self is another aspect of the continuity that his brand of situationism denies.

The important thing here is, again, to note the onesidedness and exaggeration of Fletcher's position. For one does not have to deny the presence of continuities in human behavior in order to assert the uniqueness of individual human behavior. There is, no doubt, as Dewey so wisely remarked,[1] an established, habituated self, constituted by habits already formed. But side by side there is also the growing, enlarging, dynamic self. Perhaps the best way to describe the dynamic individual is as a self-renovating self. In the ever ongoing process the entire self is never created anew in a particular instance: there are continuities discernible in its existence, in the habits alluded to, in the unconscious drives, in the "style of life" of the person, in its loves, even in its anguishes.

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[1] J. Fletcher, Situation Ethics, 137; also J. Fletcher, Moral Responsibility, 164-165.

Fletcher does talk of responsibility, but for him this is a totally prospective act. He insists, and rightly so, on the broader conception of responsibility that would not give it the purely legal meaning of liability for punishment. This does not necessarily mean, however, that every context and environment has to be eschewed altogether, for even if responsibility is considered as an answer to others, in love and concern, still we must use a language that permits us to understand one another, a language therefore which cannot be totally unique and individual.

Even from the point of view of responsibility as an answer, how can one fail to include the law among the words men utter one to the other? Surely, the law cannot "respond," as Fletcher tells us.[2] But neither can words "respond" to us. Yet both can convey the meanings we speak to one another. Surely the law is impersonal in that society addresses its word to all its members equally, without respect for status, power, lineage, or accomplishment. But words too are impersonal in this sense, the property of rich and poor alike, the means for men to talk, to curse, to pray, to sing, in monologue as well as in response. So, to speak of responsibility as "answerability" while denying man the words he needs and words the contextual meaning they require, is to present an empty notion. If responsibility is deprived of its meaning as an answer, we might as well ignore it educationally.

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[1] J. Dewey and J. Tufts, Ethics, 340-342.

[2] J. Fletcher, Moral Responsibility, 235.

Finally, Fletcher would probably deny or conveniently ignore the very notion of moral habit. It is hard to see how he could do this, but we saw above in Ch. IV that he fails to consider every act of love as an overflow from a habitual lovingness of the person, as an act "in character with" the person's very "being." Moreover, it would appear that the recognition of habit would seriously undermine his notion of discontinuity, since habit does, in fact, provide a certain context, an axle around which the individual's actions wrap themselves, and in reference to which particular decisions can be made.[1]

At this level, therefore, Fletcher's situationism fails again. If one of the tasks of education is the development of social and moral character, that is, of habitual ways of behavior that incorporate the values of society, then the continuities of habit are implicit in the process. Whether one considers habit simply as the continuity of the self or, more fully, as the continuity of the self within society, Fletcher's situationism would fail to either account for it or offer guidelines for its formation. On both counts his situationism would fail to be relevant to education.

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[1] In this context Peters notes that children "have to learn what it is to act on rules generally before the notion of determining their own code of rules for themselves can have any significance for them. If, too, such a choice is to be a real possibility for them rather than a lip service to a shibboleth, they must have experience on the basis of which they can decide between alternatives" (R. S. Peters, Ethics and Education, 120).

In other words, from the psychological point of view (as we noted above in Ch.VI), even the most extremely individualistic decision-making is possible only in the context of habit.

Conclusion

Fletcher's situationism is not explicitly presented as a system of ethics but as a method of ethical decision-making. However, because of the presuppositions and postulates built into it we can consider it as sufficiently structured to pass as one of the ethical theories that can be used for the justification of educational practices and decisions.

This acceptance of Fletcher's situationism as a possible candidate for the theoretical justification of educational policies becomes suspect the moment we understand Fletcher's allergy to anything structured in any consistent fashion. Education, on the other hand, from the point of view of the fact that it forms part of a continuous societal process of renewal as well as from the point of view of the habitual modes of behavior it is concerned to develop, seems to be placed beyond the range of activities that could be explained and justified by an ethics of the moment, an ethics utterly committed to the denial of continuities, and which is ready to toss overboard, in any situation, anything and everything a society wishes to keep, hold, treasure, and perpetuate through education. As far as the practices of education are concerned, therefore, Fletcher's situationism seems to be the least likely candidate to afford the understanding, justification, and guidance needed.

This, however, does not mean that Fletcher's situationism is totally worthless. Its value lies in the emphasis it places on the factors of freedom, uniqueness, and creative power which are, truly, ingredients of social and individual behavior. This onesided emphasis, however, deliberately ignores, except to ridicule it, the element of social continuity and conformity without which neither society nor the individual can exist at all. Moreover, by its over-emphasis on individuality and uniqueness Fletcher perpetuates the myth of the irreconcilable conflict between the individual and society, between creativity and conformity, between freedom and authority, thus helping compound the confusion already rampant in so many levels of modern society.[1]

If Fletcher's situationism were to be used at all within education it would have to be completed in such a way as to do justice to the structured elements of society and education. One can use Fletcher's situationism only to explain and justify the elements of relativity that are, indeed, found within society as well as education.

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[1] Dewey, in The School and Society (in Martin S. Dworkin (ed.), Dewey on Education. Selections (New York: Teachers College Bureau of Publications, 1959, p. 39), complained that "upon the ethical side, the tragic weakness of the present school is that it endeavors to prepare future members of the social order in a medium in which the conditions of the social spirit are eminently wanting."

This means, among other things, that if one were to use some form of situationism in education one would save oneself a lot of trouble if one went directly to any of the other forms of situationism which already include within themselves categories for the understanding and justification of the conformities of society, rules, habits, order, authority, as well as for the relative aspects of freedom, creativity, uniqueness and individuality. The educational task cannot ignore any of these aspects. As Dewey put it,

> all that society has accomplished for itself is put, through the agency of the school, at the disposal of its future members. All its better thoughts of itself it hopes to realize through the new possibilities thus opened to its future self. Here individualism and socialism are at one.[1]

This is one of the saddest aspects of Fletcher's failure: situationism need not be incomplete, it need not be sickened by an allergy toward something we cannot dispense with or even ignore. If situationism, because of the freedom it so ardently espouses, is to be the ethics "for man become of age," then it must responsibly incorporate conformity, for adulthood does not entail the liberation of life's energies in chaos but in freedom.[2]

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[1] J. Dewey, The School and Society, in M. S. Dworkin, op. cit., 34.

[2] Cf. R. Gleason, op. cit., 552. Bertrand Russell, in his Sceptical Essays (New York: W. W. Norton & Co., Inc., 1928), 188, puts it this way: "Freedom, in education and in other things, must be a matter of degree. Some freedoms cannot be tolerated. I met a lady once who maintained that no child should ever be forbidden to do anything, because a child ought to develop its nature from within. 'How if its nature leads it to swallow pins?' I asked. . . . Every child, left to itself, will sooner or later swallow pins, or drink poison out of medicine bottles, or fall out of an upper window, or otherwise bring itself to a

If situationism were to be used in education, therefore, and if one were to neglect completing it, its influence could not but be pernicious. In fact, the chances are that this corrective will not be applied, given the confusion that prevails today with respect to the relationship between the individual and society.[1]

In conclusion, therefore, all we can say is that Fletcher's situationism fails because of its incompleteness. Completed by other more balanced views it could offer some helpful insights into the problems of educational practice and decision-making. But given the temper of modern man we seriously doubt that this completion will be responsibly undertaken. Yet, without it, Fletcher's situationism is doomed to be relevant only to the maladjusted of society, those whose allergy to law bars them from contributing creatively to the progress of mankind.

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bad end. . . . Therefore one who advocates freedom in education cannot mean that children should do exactly as they please all day long. An element of discipline and authority must exist; the question is as to the amount of it, and the way in which it is to be exercised."

[1] Cf. Robert E. Fitch, "The Obsolescence of Ethics," Christianity and Crisis, XIX, No. 19 (November, 1959), 163-165.

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